

SUMMONS
(CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT: ANTHONY AKMAL AKA ANTHONY (AVISO AL DEMANDADO): BELL; LEE BROWDER; MARVIN BROWDER; JASON COOPER; XAVIER COWLEY; KEITH DANIELS; BLAND DORTCH; GEORGE DOSS; CECIL HILL AKA MIKE JOHNSON; LYDELL JACKSON; EDDIE JOHNSON; FREDDIE KING; JOSEPH E. NELSON III AKA JOSEPH NELSON; JOSEPH EDWARD NELSON; WILLIAM OFFRAY; MARK ROBINSON; MELTON STRAUSS; as Individual Defendants and DOES 1 through 100.

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CONFORMED COPY
ORIGINAL FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

AUG 06 2012

John A. Chambers, Executive Officer/Clerk

[Signature] Deputy
Iskaylia Chambers

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

THE PEOPLE OF THE STATE OF CALIFORNIA,

Ex rel. Carmen A. Trutanich, as the City Attorney for the City of Los Angeles,

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

SUPERIOR COURT OF THE STATE OF CALIFORNIA

Central District

111 North Hill Street

Los Angeles, CA 90012

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

CARMEN A. TRUTANICH, City Attorney

(213) 978-4090

(213) 978-8717

Anne Tremblay, Supervisor, Assistant City Attorney, SBN 180956

Susan J. Chung, Deputy City Attorney, SBN 227755

L.A. Office of the City Attorney, 200 N. Main St., 9th Floor, L.A., CA 90025

DATE:

Clerk, by _____

Deputy

(Fecha)

(Secretario)

Iskaylia Chambers

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.

2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)

☐ CCP 416.60 (minor)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.70 (conservatee)

☐ CCP 416.40 (association or partnership)

☐ CCP 416.90 (authorized person)

☐ other (specify):

4. ☐ by personal delivery on (date):

Page 1 of 1

AUG 06 2012

John A. Clarke, Executive Officer/Clerk
BY [Signature] Deputy
Isaylia Chambers

CARMEN A. TRUTANICH, LOS ANGELES CITY ATTORNEY
Mary Clare Molitor, Deputy Chief,
Criminal and Special Litigation Branch (Bar No. 82404)
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Attorneys for Plaintiff, The People of the State of California NO FEE – GOV'T CODE §6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

BC 489563

THE PEOPLE OF THE STATE OF CALIFORNIA,
Ex rel. Carmen A. Trutanich, as the City Attorney for
the City of Los Angeles,

Plaintiff,

vs.

ANTHONY AKMAL AKA ANTHONY BELL; LEE
BROWDER; MARVIN BROWDER; JASON
COOPER; XAVIER COWLEY; KEITH DANIELS;
BLAND DORTCH; GEORGE DOSS; CECIL HILL
AKA MIKE JOHNSON; LYDELL JACKSON; EDDIE
JOHNSON; FREDDIE KING; JOSEPH E. NELSON III
AKA JOSEPH NELSON; JOSEPH EDWARD
NELSON; WILLIAM OFFRAY; MARK ROBINSON;
MELTON STRAUSS; as Individual Defendants and
DOES 1 through 100.

Defendants.

Case No.:

COMPLAINT SEEKING TO ENJOIN,
ABATE, AND PREVENT NUISANCE
ACTIVITY AND TO ENJOIN
UNLAWFUL BUSINESS PRACTICES

[CIV. CODE §§ 3479, 3480, AND 3491;
CODE OF CIV. PROC. § 731; BUS. &
PROF. § 17200, 17203, 17204.]

[Unlimited Action]

Plaintiff, PEOPLE OF THE STATE OF CALIFORNIA (hereinafter "the People"),
complaining of the above-named defendants ("Defendants"), make the following allegations based
upon information and belief insofar as they pertain to Defendants' identity and conduct:

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NATURE OF THE ACTION

1
2 1. This action arises as a result of the pervasive illegal ticket selling (also known as “ticket
3 scalping”) that Defendants are engaged in at the Staples Center and LA Live venues; Dodger Stadium;
4 University of Southern California (USC) Galen Event Center/Galen Athletic Pavilion (“Galen”); and
5 the Los Angeles Memorial Coliseum (“Coliseum”) (hereinafter collectively known as, “LA
6 Sports/Entertainment Venues”). This action is not directed at typical or average sports fans who, on
7 occasion, sell extra tickets in front of each respective venue noted above. Each Defendant has been
8 observed frequently engaging in ticket scalping at the LA Sports/Entertainment Venues and has been
9 arrested multiple times for such conduct. Defendants’ conduct constitutes a public nuisance for event-
10 goers and unfair competition for legitimate ticket-selling businesses.

11 2. In this action, the People seek a court order enjoining Defendants from being present at
12 the LA Sports/Entertainment Venues.

PARTIES

13
14 3. Plaintiff, the People, is the sovereign power of the State of California designated by the
15 Unfair Competition Law to be the complaining party in law enforcement actions brought under that
16 statute. The People act here through Carmen A. Trutanich, City Attorney for the City of Los Angeles,
17 under the authority granted to him by Business and Professions Code sections 17203, 17204, 17206,
18 17508, 17535, and 17536 to bring such law enforcement actions.

19 4. The City Attorney for the City of Los Angeles brings this cause of action alleged herein
20 on behalf of the People, pursuant to Business and Professions Code section 17204, which provides that
21 an action under Chapter 5 of Division 7 of the Business and Professions Code may be brought in the
22 name of the People of the State of California by any City Attorney of a city, or city and county, having
23 a population in excess of 750,000. The City of Los Angeles has a population in excess of 750,000.
24 (See *People v. Bhakta* (2006) 135 Cal.App.4th 631, 641.)

25 5. The People are informed and believe and based thereon allege that Defendants are
26 individuals who have been arrested at one or more of the LA Sports/Entertainment Venues for
27 violating California Penal Code (hereinafter “PC”) section 346; and/or Los Angeles Municipal Code
28 (hereinafter “LAMC”) sections 42.00, subdivision (b), and 42.03, subdivisions (a) and (b):

- a. Defendant Anthony Akmal is, and at all times relevant hereto was, a resident of Los Angeles, California.
- b. Defendant Lee Browder is, and at all times relevant hereto was, a resident of Adelanto, California.
- c. Defendant Marvin Browder is, and at all times relevant hereto was, a resident of Los Angeles, California.
- d. Defendant Jason Cooper is, and at all times relevant hereto was, a resident of Inglewood, California.
- e. Defendant Xavier Cowley is, and at all times relevant hereto was, a resident of Los Angeles, California.
- f. Defendant Keith Daniels is, and at all times relevant hereto was, a resident of Los Angeles, California.
- g. Defendant Bland Dortch is, and at all times relevant hereto was, a resident of Inglewood, California.
- h. Defendant George Doss is, and at all times relevant hereto was, a resident of Los Angeles, California.
- i. Defendant Cecil Hill is, and at all times relevant hereto was, a resident of Los Angeles, California.
- j. Defendant Lydell Jackson is, and at all times relevant hereto was, a resident of Los Angeles, California.
- k. Defendant Eddie Johnson is, and at all times relevant hereto was, a resident of Los Angeles, California.
- l. Defendant Freddie King is, and at all times relevant hereto was, a resident of West Covina, California.
- m. Defendant Joseph E. Nelson III is, and at all times relevant hereto was, a resident of Inglewood, California.
- n. Defendant Joseph Edward Nelson is, and at all times relevant hereto was, a resident of Los Angeles, California.

- 1 o. Defendant William Offray is, and at all times relevant hereto was, a resident of
2 Los Angeles, California.
- 3 p. Defendant Mark Robinson is, and at all times relevant hereto was, a resident of
4 Inglewood, California.
- 5 q. Defendant Melton Strauss is, and at all times relevant hereto was, a resident of
6 Inglewood, California.

7 6. Defendants Does 1 through 100 are individuals, the true identities of whom are presently
8 unknown to the People, who therefore sue these defendants by such fictitious names. The People will
9 amend this complaint to allege their true names when such information is ascertained.

10 7. All named Defendants and Does 1 through 100 are hereinafter collectively referred to as
11 "Defendants."

12 GENERAL ALLEGATIONS

13 ILLEGAL TICKET SALES

14 8. Illegal ticket selling is rampant at the LA Sports/Entertainment Venues. Between 2008
15 and March 2012, Defendants collectively have been arrested, cited, or contacted approximately 99
16 times for offenses related to illegal ticket selling at one of the venues listed above. Defendants harass
17 patrons of the venues listed above and pocket hundreds and sometimes thousands of dollars in untaxed
18 profit on a regular basis.

19 9. PC section 346 provides that "[a]ny person who, without the written permission of the
20 owner or operator of the property on which an entertainment event is to be held or is being held, sells a
21 ticket of admission to the entertainment event, which was obtained for the purpose of resale, at any
22 price which is in excess of the price that is printed or endorsed upon the ticket, while on the grounds of
23 or in the stadium, arena, theater, or other place where an event for which admission tickets are sold is to
24 be held or is being held, is guilty of a misdemeanor."

25 10. LAMC section 42.00, subdivision (b) provides that "[n]o person, except as otherwise
26 permitted by this section, shall on any sidewalk or street offer for sale, solicit the sale of, announce by
27 any means the availability of, or have in his or her possession, control or custody, whether upon his or
28 her person or upon some other animate or inanimate object, any goods, wares or merchandise which the

1 public may purchase at any time.”

2 11. LAMC section 42.03, subdivision (a), provides that “[e]xcept as otherwise provided in
3 this section, no person in or upon any public street, sidewalk, park or other public place shall sell or re-
4 sell or offer to sell or re-sell any ticket of admission to a place of public assemblage.” Subdivision
5 (b) provides that “[e]xcept as otherwise provided in this section, no person in or upon any place which
6 is open to the public shall sell or re-sell or offer to sell or re-sell any ticket of admission to a place of
7 public assemblage.” Subdivision (c) provides that “[t]he provisions of Subsections (a) and (b) of this
8 section shall not include or apply to the sale of such tickets at or from any ticket office, booth or other
9 similar place regularly and permanently established and maintained therefor with the express
10 permission and authorization of the person or governmental agency in charge, care or control of the
11 property which such office, booth or place is located.”

12 12. Staples Center has been the home of the Los Angeles Lakers, Los Angeles Clippers, and
13 Los Angeles Kings (hereinafter “Lakers,” “Clippers,” and “Kings,” respectively) since the arena
14 opened in 1999. However, when LA Live opened adjacent to Staples Center in 2008 with three new
15 event venues (Conga Room, Club Nokia, and the Nokia Theater), the incidents of illegal ticket selling
16 increased exponentially. There is at least one ticketed event every night at Staples Center or one of the
17 three LA Live venues, and, on many nights, there are simultaneous events at multiple venues.

18 13. Game days at Dodger Stadium draw dozens of ticket scalpers, who station themselves in
19 the stadium’s parking lots and along the main streets leading into the stadium. Some scalpers buy
20 tickets on the street at a low cost with the intention of immediately reselling the tickets at a higher
21 price. Some of the legitimate ticket brokers also benefit from this practice. These brokers purchase
22 tickets in bulk at a lower cost per ticket, then distribute the tickets to street-level scalpers, who return a
23 portion of the profits to the brokers.

24 14. The Coliseum is home to the USC football team, where it plays all its home games. The
25 Coliseum is one of the largest football stadiums in the country, with a capacity of more than 92,000. In
26 addition to USC football, various other events are held there. Ticket scalpers who frequent other
27 venues, such as Dodger Stadium and Staples Center, are also known to illegally scalp tickets at the
28 Coliseum.

1 15. The Galen Center is a 255,000 square-foot arena with 10,258 seats. There is an attached
2 45,000 square-foot pavilion containing additional practice room with enough space for 4 basketball
3 courts or 9 volleyball courts, as well as seating for 1,000 people. The venue is the home to USC's
4 basketball and volleyball programs. Ticket scalpers who frequent other venues, such as Dodger
5 Stadium, Staples Center, and the Coliseum are known to illegally scalp tickets at Galen.

6 16. On occasion, a scalper will work alone. However, scalpers more frequently work in
7 groups at and around the LA Sports/Entertainment Venues. These groups usually range in size from
8 two to six individuals. One person holds the money for safekeeping, while a second acts as the ticket
9 holder, a third acts as the contact person, and a fourth serves as a lookout. By dividing the roles, the
10 scalpers reduce their level of culpability and financial loss in the event that one of them is arrested.

11 17. Groups of ticket scalpers often intimidate passing citizens. The scalpers frequently hold
12 up signs stating that they need tickets or have tickets available for sale. They are frequently aggressive
13 because they do not want to be saddled with unsold tickets for the event.

14 18. The scalpers often dart in and out of vehicular traffic in order to approach passing
15 motorists to sell them tickets or to purchase tickets from people who wish to sell their extra tickets.
16 Interested potential ticket purchasers or sellers will often stop abruptly and attempt to pull their vehicles
17 over to the curb in order to negotiate a deal with the ticket scalpers. The ticket scalpers also approach
18 pedestrians on foot and stop them as they enter the stadium in order to attempt to sell or buy tickets.
19 The ticket scalpers' activities often delay and obstruct vehicle and pedestrian traffic, thereby increasing
20 traffic congestion and contributing to an increase in the number of accidents at the LA
21 Sports/Entertainment Venues.

22 19. There are many ways in which illegal ticket-selling activity constitutes a public
23 nuisance. Illegal ticket sellers contribute to undue congestion and endanger public safety at the venues
24 where they sell tickets. In *People v. Shepherd* (1977) 74 Cal.App.3d 334, 338, the court discussed
25 ticket scalping at the Coliseum, noting:

26 [The Coliseum and its surrounding land is maintained for the use of the general
27 public for recreation and amusement. The unregulated use of that area by
28 peddlers of tickets or other property would add to congestion, annoyance and
inconvenience in areas where crowds must be moved rapidly and safely. Persons
with tickets for sale may be expected to intrude themselves along the most heavily

1 travelled pathways, audibly or visually demanding the attention of the tens of
2 thousands who approach the Coliseum gates within a short period of time.]

3 20. Ticket scalping also leads to an unequal distribution of tickets to sports and
4 entertainment events. A disproportionate number of tickets for each event are purchased by
5 professional illegal ticket sellers with the sole intention of making a profit from the resale of those
6 tickets, depriving individuals who cannot pay the sellers' premium of the enjoyment of attending the
7 event.

8 21. Furthermore, illegal ticket sellers engage in an unfair business practice. Ticket sellers
9 who openly break the law receive an unfair benefit over legitimate ticket sellers who sell tickets at an
10 appropriate distance away from the LA Sports/Entertainment Venues.

11 22. Illegal tickets sellers also violate the law by failing to pay taxes on ticket profits.
12 Moreover, none of the Defendants possesses a Business Tax Registration Certificate to conduct
13 business in the City of Los Angeles.

14 LAPD EFFORTS TO BATTLE ILLEGAL TICKET SALES

15 23. Finally, illegal ticket selling puts a strain on law enforcement resources already depleted
16 by the City's perilous budget situation. Los Angeles Police Department ("LAPD") personnel have
17 conducted between 100 and 150 task force operations to arrest illegal scalpers at Staples Center and the
18 LA Live venues alone in the past 3 years, with each operation requiring up to 11 officers and 6
19 supervisors for approximately 9 hours. During these operations, officers repeatedly arrest the same
20 individuals, including Defendants. These operations are a particular drain on resources because officers
21 from police divisions across the City must be used so that the illegal ticket sellers cannot readily
22 identify the undercover officers.

23 24. The LAPD has also devoted enormous resources to address the problem of illegal ticket
24 sales at Dodger Stadium and the Coliseum.

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DEFENDANTS' ILLEGAL TICKET SELLING ACTIVITY

A. DEFENDANT ANTHONY EDWARD AKMAL

25. Defendant Anthony Edward Akmal AKA Anthony Bell was arrested on January 28, 2011, for a violation of LAMC section 42.03, subdivision (a). LAPD officers observed him sell event tickets at Dodger Stadium to two individuals for an amount above the face value of the tickets. On January 25, 2011, Akmal was arrested for a violation of LAMC section 42.03, subdivision (a). LAPD officers observed Akmal sell tickets to two individuals during a Lakers versus Utah Jazz basketball game at Staples Center. Upon investigating the incident, officers discovered that the tickets Akmal sold were originally purchased with a stolen credit card. On May 20, 2009, Akmal was arrested for a violation of LAMC section 42.03, subdivision (a). LAPD officers observed Akmal at Stadium Way asking motorists and pedestrians if they needed tickets. Akmal attempted to sell Dodger baseball event tickets to an undercover reserve officer. On October 13, 2008, Akmal was cited for a violation of LAMC section 42.03, subdivision (a) when LAPD officers observed him near Dodger Stadium holding tickets in his hand and waving them to passing motorists.

B. DEFENDANT LEE BROWDER

26. Defendant Lee Browder was arrested on January 14, 2011, for a violation of LAMC section 42.03 subdivision (a). LAPD officers observed Browder loitering on Staples Center property and attempting to sell Lakers event tickets to two individuals at the Hotel Figueroa. On February 5, 2010, Browder was arrested for a violation of LAMC section 42.03, subdivision (a). LAPD officers observed him on the grounds in front of Staples Center, attempting to sell tickets to a Lakers game. At the time of his arrest, Browder carried \$787.00 on his person along with two Lakers game tickets and two Kings game tickets. On December 4, 2009, Browder was arrested for a violation of LAMC section 42.03, subdivision (a). LAPD officers observed him attempting to sell Lakers event tickets to two individuals around Staples Center property.

C. DEFENDANT MARVIN BROWDER, JR.

27. Defendant Marvin Browder, brother of defendant Lee Browder, was arrested on January 3, 2012, for a violation of LAMC section 42.03, subdivision (a). LAPD officers observed Browder in the area surrounding Staples Center attempting to sell an individual a ticket to the Lakers event that

1 day. On April 6, 2011, Browder was arrested for a violation of LAMC section 42.03, subdivision (a).
2 LAPD officers observed him in the area of Staples Center. He approached two individuals and sold
3 them two event tickets. When officers approached to investigate, the individuals walked off and
4 Browder apologized to the officers. On March 31, 2011, Browder was arrested for a violation of
5 LAMC section 42.03, subdivision (a). LAPD officers observed him selling tickets to a Los Angeles
6 Dodgers (hereinafter "Dodgers") game at Dodger Stadium. Browder was in possession of four
7 Dodgers event tickets and \$168.04. On May 2, 2010, Browder was arrested for a violation of PC
8 section 346. LAPD officers observed him on Stadium Way shouting to pedestrians that he had tickets
9 for sale. He attempted to sell three Dodger baseball event tickets to undercover officers. He was in
10 possession of four Dodgers event tickets, thirteen business cards with the name "Fuzzy Tickets" on it,
11 and \$172.22. On April 13, 2010, Browder was arrested for a violation of LAMC section 42.03,
12 subdivision (a). LAPD officers observed Browder on Elysian Park Avenue waving tickets to passing
13 motorists. He attempted to sell three tickets to undercover officers for above face value. On March 3,
14 2010, Browder was arrested for a violation of LAMC section 42.02, subdivision (a). LAPD officers
15 observed Browder on Staples Center property with Defendants Xavier Cowley and Lee Browder.
16 Browder attempted to sell a Lakers event ticket to an undercover officer. Browder was in possession of
17 \$110.00 and 10 event tickets. On February 17, 2010, Browder was arrested for a violation of LAMC
18 section 42.03, subdivision (a). LAPD officers observed him on Staples Center property. He
19 approached undercover officers and attempted to sell them tickets to a Clippers versus Atlanta Hawks
20 basketball game. Browder was in possession of four tickets to the event. On February 5, 2010,
21 Browder was arrested for a violation of PC section 166, subdivision (a)(4) (violation of a court order).
22 LAPD officers observed him loitering around Staples Center. He attempted to sell three Lakers event
23 tickets to undercover officers.

24 **D. DEFENDANT JASON COOPER**

25 28. Defendant Jason Cooper was arrested on February 2, 2011, for a violation of LAMC
26 section 42.03, subdivision (a). LAPD officers observed him standing near the ESPN Zone on Staples
27 Center property. Cooper sold two event tickets to two individuals for above face value. Cooper was in
28 possession of one event ticket and \$550.00. On April 2, 2010, Cooper was arrested for a violation of

1 LAMC section 42.03, subdivision (a). LAPD officers observed Cooper on Staples Center property. He
2 attempted to sell a Lakers event ticket to an individual. Cooper was in possession of four Lakers event
3 tickets. He was also arrested on February 18, 2010, and March 21, 2008, for the same charge in the
4 same location. At the time of his arrest on February 18, 2010, Cooper carried \$1,060.00 on his person.
5 At the time of his arrest on March 21, 2008 he carried \$511.00 on his person. On January 8, 2012,
6 USC Department of Public Safety officers observed Cooper scalping tickets at Galen for a USC
7 basketball event. Officers completed a field interview of Cooper and advised him to stay off of USC
8 property.

9 **E. DEFENDANT XAVIER COWLEY**

10 29. On January 20, 2011, Xavier Cowley was arrested for a violation of LAMC section
11 42.03, subdivision (a), after he sold tickets to a Kings hockey game to an undercover LAPD officer in
12 front of Staples Center. In addition, on November 12, 2009, Cowley was arrested for violating LAMC
13 section 42.03, subdivision (a), after illegally selling tickets to undercover officers in the area of Staples
14 Center.

15 **F. DEFENDANT KEITH DANIELS**

16 30. Defendant Keith Daniels was arrested on September 3, 2011, for a violation of LAMC
17 section 42.00, subdivision (b). LAPD officers observed him on Figueroa Street during a USC football
18 event. He was standing on the sidewalk asking passing fans if they needed tickets. Officers observed
19 him selling two tickets to a passing motorist. On November 27, 2010, Daniels was arrested for a
20 violation of LAMC section 42.03, subdivision (a), when LAPD officers observed him in front of the
21 Coliseum, selling tickets to a USC football game. On December 9, 2009, Daniels was arrested for a
22 violation of PC section 346 after LAPD officers observed him in front of Staples Center, attempting to
23 sell tickets to a Lakers game.

24 **G. DEFENDANT BLAND DORTCH**

25 31. Defendant Bland Dortch was detained by a USC Department of Public Safety officer on
26 January 8, 2012, on the USC campus near Galen. The USC officer observed Dortch attempt to sell
27 tickets during a USC basketball event. Officers detained him for a violation of PC section 602,
28 subdivision (k) (trespass) and booked him for outstanding warrants. On December 19, 2011, Dortch

1 was observed by a USC officer on the USC campus near Galen attempting to scalp tickets. He advised
2 the officer that scalping was his full-time job. On October 20, 2011, Dortch was arrested for a violation
3 of LAMC section 42.03, subdivision (a). LAPD officers observed him on Staples Center property
4 shouting that he had tickets for sale. He was in possession of four concert tickets. On April 21, 2011,
5 Dortch was cited for a violation of LAMC 42.03, subdivision (b), for illegally selling tickets to two
6 undercover LAPD police officers in front of Dodger Stadium. On January 14, 2011, Dortch was
7 arrested for a violation of PC section 346 when LAPD officers observed Dortch sell an event ticket to
8 an individual in front of the Staples Center. At the time, Dortch had an active court order restricting
9 him from being within 100 yards from Staples Center. On October 20, 2010, Dortch was arrested for a
10 violation of PC section 166, subdivision(a)(1) (violation of a court order). LAPD officers observed
11 Dortch on Staples Center property attempting to sell tickets to a hockey event. Dortch was in
12 possession of nine event tickets and a Staples Center seating chart. Dortch was also arrested on March
13 26, 2010, for illegally offering to sell Jay-Z concert tickets to undercover officers in the area of Staples
14 Center. On February 5, 2010, Dortch was arrested for a violation of LAMC section 42.03, subdivision
15 (a). LAPD officers observed him on Staples Center property, attempting to sell Lakers event tickets to
16 undercover officers.

17 **H. DEFENDANT GEORGE DOSS**

18 32. Defendant George Doss was arrested on May 4, 2011, for a violation of PC section 166,
19 subdivision (a)(4). LAPD officers observed Doss on Staples Center property for ten minutes. Doss had
20 been ordered to stay 100 yards away from Staples Center as a condition of probation. On May 27,
21 2010, Doss was arrested for a violation of LAMC section 42.03, subdivision (a). LAPD officers
22 observed Doss attempting to illegally sell tickets in the area of Staples Center in violation of a court
23 order mandating that Doss stay away from Staples Center. On April 1, 2010, Doss was arrested for a
24 violation for PC section 166, subdivision (a)(4). LAPD officers observed Doss on Staples Center
25 property near the box office, in violation of a court order mandating that Doss stay away from Staples
26 Center. On February 17, 2010, Doss was arrested for a violation of PC section 346 when he attempted
27 to sell event tickets to undercover officers. He was in possession of 15 event tickets and seating charts
28 for various sports venues. On November 27, 2009, Doss was observed by USC officers near Galen

1 scalping tickets. Officers advised him that he was trespassing and conducted a field interview. On
2 January 16, 2009, Doss was arrested for a violation of PC section 346 when LAPD officers observed
3 Doss on Staples Center property selling Lakers event tickets to two individuals. Doss was in
4 possession of \$150.00, two Lakers tickets, and two seating charts. At the time of his arrest, Doss
5 possessed 14 expired tickets to Clippers, Kings, and USC games; and 3 seating charts for Las Vegas
6 arenas. He was also arrested on November 1, 2008; October 29, 2008; and January 16, 2009 for the
7 same conduct in the same location.

8 **I. DEFENDANT CECIL HILL**

9 33. Defendant Cecil Hill was arrested on June 26, 2010, for scalping tickets in the Dodger
10 Stadium parking lot to a Dodgers game in violation of PC section 346. Police found in Hill's
11 possession 5 Dodgers game tickets, \$530.23 in cash, and 21 "Zeus Tickets" business cards. Numerous
12 scalpers and illegal ticket vendors in and around Dodger Stadium have identified their boss as "Zeus."
13 Officers noted that Hill's criminal history indicates that his moniker is "Zeus." Hill was arrested on
14 May 2, 2010, for a violation of LAMC section 42.03, subdivision (a), for illegally selling Lakers game
15 tickets in the area of Staples Center. At the time of his arrest, Hill carried \$310.00 and eight tickets to a
16 Lakers playoff game. Hill was arrested again on April 11, 2010, and April 27, 2009, for the same
17 charge in the same area. During the April 27, 2009 arrest, police officers discovered eight tickets to a
18 Lakers game on another day and nine business cards for "Zeus Tickets" on Hill's person. On May 14,
19 2008, Hill was arrested for a violation of LAMC section 42.03 subdivision (a). During this incident,
20 LAPD undercover officers observed Hill selling tickets to an individual at the Figueroa Hotel on
21 Staples Center property for a Lakers versus Utah Jazz basketball game. The individual told officers
22 that he had purchased tickets from Hill totaling \$950.00. Hill was in possession of \$1100.00.

23 **J. DEFENDANT LYDELL JACKSON**

24 34. Defendant Lydell Jackson was arrested on May 27, 2010, for a violation of LAMC
25 section 42.03, subdivision (a). LAPD officers observed Jackson on Staples Center property selling
26 tickets to three individuals. Officers spoke with the individuals, who told them that Jackson sold them
27 tickets for \$250.00. On September 11, 2010, Jackson was arrested for a violation of LAMC section
28 42.03, subdivision (a), for illegally selling tickets in front of the Coliseum to a USC football game. On

1 November 19, 2009, Jackson was arrested for a violation of LAMC section 42.03, subdivision (a).
2 LAPD officers observed Jackson with another known scalper at Wiltern Theatre, illegally selling
3 tickets to the "Swell Season" concert to two individuals. Jackson was arrested on November 12, 2009,
4 for a violation of LAMC section 42.03 subdivision (a), when he attempted to sell tickets to a Lakers
5 versus Phoenix Suns basketball game to undercover LAPD officers at Staples Center. At the time he
6 was arrested, Jackson was in possession of three event tickets and \$65.00. On October 22, 2009,
7 Jackson was arrested for a violation of LAMC section 42.03, subdivision (a). LAPD officers observed
8 him at the Wiltern Theatre holding event tickets and approaching passing motorists. Jackson attempted
9 to sell event tickets to undercover officers. Jackson ran from the officers when he recognized them
10 from previous contacts, and discarded the tickets that he was in possession of. On August 29, 2009,
11 Jackson was arrested for a violation of LAMC section 42.03, subdivision (a), when he attempted to sell
12 concert tickets to an LAPD officer at the Wiltern Theatre. At the time of his arrest, he was in
13 possession of 10 tickets for the "The National" concert. Jackson was arrested on June 3, 2008, for a
14 violation of LAMC section 42.03, subdivision (a), when he attempted to sell Dodgers event tickets to
15 LAPD undercover officers. Officers observed him that day with several other scalpers in an area where
16 scalpers often congregate near Dodger Stadium. Officers recovered five Dodgers event tickets and
17 \$225.00 on his person. On April 3, 2008, Jackson was arrested for a violation of PC section 166,
18 subdivision (a)(4). LAPD officers observed Jackson attempt to sell Kings hockey event tickets to an
19 individual on Staples Center property. Officers recovered \$80.00 and five Kings hockey event tickets
20 on Jackson's person. On January 25, 2008, Jackson was arrested for a violation of LAMC section
21 42.03, subdivision (a), when officers observed him illegally selling two tickets to a Garth Brooks
22 concert while on Staples Center property. Officers spoke with the two individuals, who told them that
23 Jackson tried to sell them tickets to a concert that had started over one hour earlier. The two
24 individuals told the officers that they grabbed their money back from Jackson and gave him back the
25 tickets that they bought for \$80.00. Jackson was in possession of 14 Garth Brooks concert tickets and a
26 sign reading "I need tickets."

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1 **K. DEFENDANT EDDIE JOHNSON**

2 35. Defendant Eddie Johnson was arrested on January 14, 2011, for a violation of PC
3 section 166, subdivision (a)(4). LAPD officers observed Johnson on Staples Center property
4 attempting to speak with pedestrians passing by. Staples Center was hosting a Lakers versus New
5 Jersey Nets basketball game. Officers were aware that there was a court order prohibiting Johnson
6 from being on Staples Center property for the period from April 2010 to April 2011. On February 18,
7 2010, Johnson was arrested on the grounds in front of Staples Center for a violation of LAMC section
8 42.03, subdivision (a), after attempting to sell tickets to a Lakers game. He was also arrested on
9 December 9, 2009, for violating PC section 346 for the same conduct at the same location.

10 **L. DEFENDANT FREDDIE KING**

11 36. Defendant Freddie King was arrested on May 27, 2010, for a violation of LAMC section
12 42.03, subdivision (b), for illegally selling tickets to a Lakers game at Staples Center. On April 11,
13 2010, police arrested King for illegally selling tickets to a different Lakers game at Staples Center in
14 violation of PC section 346. He was in possession of \$460.00 at the time of his arrest. King was
15 previously arrested on September 5, 2009, for a violation of LAMC section 42.03, subdivision (a), for
16 illegally selling tickets to a USC game to an undercover police officer in front of the Coliseum. During
17 the arrest, police officers recovered six USC football tickets and nineteen USC volleyball tickets from
18 King. King was also arrested on May 9, 2009, for a violation of LAMC section 42.03, subdivision (b),
19 when he attempted to sell tickets to an individual at Dodger Stadium. At the time he was arrested, he
20 was in possession of \$110.85, a seating chart for Dodger Stadium, a Dodger Stadium baseball schedule,
21 a business card for "Scratch That Ticket," and two Dodger baseball event tickets. On October 11,
22 2008, King was arrested for a violation of LAMC section 42.03, subdivision (a), when LAPD officers
23 observed him on the east side of the Coliseum during a USC versus Arizona State football game. King
24 attempted to sell undercover officers tickets to the event. Officers recovered 30 USC football game
25 tickets from King. King was also arrested on June 3, 2008, for a violation of LAMC section 42.03,
26 subdivision (a), at Dodger Stadium. Officers recovered 14 Dodgers game tickets from King at that
27 time.

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1 **M. DEFENDANT JOSEPH E. NELSON III**

2 37. Defendant Joseph E. Nelson III was arrested on June 27, 2010, for a violation of PC
3 section 346 near Dodger Stadium for illegally selling tickets to undercover LAPD officers. When he
4 was arrested, he was in possession of \$25.00 and three Dodger baseball event tickets. Nelson was also
5 arrested for a violation of LAMC section 42.03, subdivision (a), in the area of Staples Center for the
6 illegal sale of tickets to a Lakers game on May 21, 2009. A couple of days earlier, on May 19, 2009,
7 Nelson was arrested for a violation of LAMC section 42.03, subdivision (a), again when he attempted
8 to sell Lakers event tickets to an undercover LAPD officer and sold tickets to a passing motorist.
9 Nelson misrepresented the Lakers tickets as tickets to an American Idol event held at Nokia Theater to
10 the purchaser. On October 4, 2008, Nelson illegally sold tickets to a USC football game to undercover
11 officers in the area of the Coliseum. He was cited for a violation of LAMC section 42.03, subdivision
12 (a). Officers recovered 10 USC football game tickets from Nelson at the time of his arrest, along with
13 \$170.00.

14 **N. DEFENDANT JOSEPH EDWARD NELSON**

15 38. On June 11, 2012, defendant Joseph Edward Nelson was arrested for a violation of PC
16 section 470, subdivision (d), for illegally selling fraudulent tickets during the Los Angeles Kings
17 Stanley Cup Final game at the Staples Center. Nelson admitted to selling tickets at the game and that
18 he had been selling tickets since he was eight years old. Nelson was in possession of eight tickets that
19 were revealed to be counterfeit. He also had \$1,060.00 in his possession. On June 2, 2012, LAPD
20 officers arrested Nelson for a violation of PC section 346. LAPD officers observed Nelson standing on
21 the sidewalk near the Hollywood Bowl parking lot. Nelson sold undercover LAPD officers two event
22 tickets. Nelson was in possession of \$160.00. On September 3, 2011, Nelson was cited for a violation
23 of LAMC section 42.03, subdivision (a), for illegally selling tickets at the Coliseum. Nelson sold
24 LAPD undercover officers three event tickets for \$120.00. On March 12, 2009, Nelson was arrested
25 for a violation of LAMC section 42.03, subdivision (a), for illegally selling tickets in the area of the
26 Staples Center. Nelson approached undercover LAPD officers and offered them PAC-10 tickets for
27 \$60.00 each. Subsequent to his arrest, officers recovered \$100.00, four tickets to the PAC-10
28 Tournament, and a green leafy substance resembling marijuana on his person.

1 **O. DEFENDANT WILLIAM OFFRAY**

2 39. Defendant William Offray was arrested for a violation of LAMC section 42.03,
3 subdivision (a), for illegally selling tickets in the area of Staples Center on January 7, 2011. LAPD
4 officers discovered that he was carrying \$1,431.00 and two Lakers game tickets on his person at the
5 time of his arrest. On May 17, 2010, LAPD officers arrested Offray for a violation of LAMC section
6 42.03, subdivision (a), in the area of Dodger Stadium, along with two other individuals, including
7 Defendant Mark Robinson. During a pre-booking search of Offray, officers found that he was carrying
8 \$1,350.00. Officers also recovered a total of thirty-seven Dodgers game tickets and two parking passes
9 from Offray and his two cohorts. He had been arrested on September 20, 2009, for the same conduct in
10 the same location for a violation of LAMC section 42.03, subdivision (a). When Offray saw the police
11 officers prior to his arrest, he dropped six game tickets on the ground. Officers recovered \$257.00
12 dollars from Offray at the time of his arrest. On January 11, 2009, Offray was arrested in the area of
13 Staples Center for a violation of LAMC section 42.00, subdivision (b). After being given his Miranda
14 warning Offray told police that he purchased tickets at a discounted price from an individual who drove
15 a Rolls-Royce. The individual approached Offray at a specific corner near Staples Center. Offray then
16 resold the tickets on the street for a profit. On December 28, 2008, Offray was observed by a USC
17 officer near Galen scalping tickets to the USC men's basketball game. The USC officer conducted a
18 field interview and advised Offray to stay off of USC property.

19 **P. DEFENDANT MARK CURTIS ROBINSON**

20 40. Defendant Mark Curtis Robinson was arrested on March 15, 2012, for a violation of
21 LAMC section 42.03, subdivision (a). LAPD officers observed Robinson in the area of Staples Center
22 approaching several pedestrians and displaying tickets for them to see. Officers spoke to an individual
23 who told them that he had agreed to purchase tickets to the Clippers basketball game that evening if
24 Robinson could prove that they were not fake. Officers recovered two Lakers event tickets from the
25 individual and one from Robinson. On January 7, 2011, Robinson was arrested for a violation of PC
26 section 166, subdivision (a)(4). He violated a probation term requiring him to stay 100 yards away
27 from 1111 South Figueroa Street by standing 40 feet from the entrance to Staples Center on the night of
28 a Lakers game. On December 8, 2010, Robinson was arrested for a violation of PC section 166,

1 subdivision (a)(4). LAPD officers observed him walking back and forth on Star Plaza, which is located
2 on Staples Center property. Staples Center was hosting a Lakers versus Clippers basketball game.
3 Robinson was ordered, as a condition of his probation, to stay away from Staples Center. On
4 December 1, 2010, police officers arrested Robinson in front of the entrance to Staples Center for
5 violating PC section 346, for illegally selling Clippers game tickets. A criminal check at the time of his
6 arrest revealed that Robinson had also violated a probation order requiring him to stay away from
7 Staples Center. Robinson was consequently also charged with violating PC section 166, subdivision
8 (a)(4). On May 17, 2010, Robinson was arrested, along with two other individuals, one of whom was
9 Defendant Offray. LAPD officers observed them illegally selling tickets near Dodger Stadium.
10 Officers recovered 37 game tickets from Robinson and his two cohorts at the time of their arrest. On
11 September 26, 2009, and March 4, 2009, Robinson was cited for a violation of LAMC section 42.03,
12 subdivision (a), in the area of the Coliseum when he attempted to illegally sell tickets to USC football
13 games. A criminal check at the time of his March 4, 2009, arrest revealed that Robinson had 18 prior
14 arrests for ticket scalping. On December 28, 2008, a USC officer observed Robinson on the USC
15 campus near Galen scalping tickets at the USC men's basketball game. The USC officer conducted a
16 field interview and advised Robinson to stay off USC property. Robinson was cited on October 4,
17 2008, for a violation of LAMC section 42.03, subdivision (a), when he attempted to illegally sell tickets
18 to a USC football game to undercover LAPD officers in the area of the Coliseum. Officers recovered
19 eight USC football game tickets from Robinson at the time of his arrest. He also was arrested on April
20 24, 2008, for a violation of LAMC section 42.03, subdivision (a), when he engaged in the same conduct
21 at Dodger Stadium.

22 **Q. DEFENDANT MELTON STRAUSS**

23 41. Defendant Melton Strauss was arrested on November 12, 2011, for a violation of LAMC
24 section 42.03, subdivision (a), when he attempted to illegally sell an undercover LAPD officer near the
25 Coliseum tickets to a USC versus Washington football game. Strauss was in possession of 14 game
26 tickets. On January 12, 2011, Strauss was arrested for violating a court order. LAPD officers observed
27 Strauss approximately 75 feet from Staples Center. Officers were aware that Strauss had been ordered,
28 as a condition of probation, to stay 100 yards away from Staples Center. As officers attempted to take

1 Strauss into custody, he fell to the ground and feigned a heart attack. He was uncooperative and told
2 officers, "I don't give a fuck. I'm going to get a free check up in the hospital!" On December 1, 2010,
3 police officers arrested Strauss for ticket scalping at Staples Center. Officers recovered eight paper
4 tickets for a Clippers game. On October 27, 2010, Strauss was arrested for violating a court order.
5 LAPD officers observed him across the street from Staples Center. He was engaging in brief
6 conversations with pedestrians that were passing by to go to Staples Center. Officers were aware that
7 he had been ordered, as a condition of probation, to stay 100 yards away from Staples Center. As
8 officers were attempting to take him into custody, Strauss complained of chest pains and was taken to a
9 hospital. At the hospital, Strauss was uncooperative and told officers that they were not going to stop
10 him. He told them he would be at the USC game that weekend and that he was going to have a
11 \$1400.00 weekend. On June 3, 2010, Strauss was arrested for a violation of LAMC section 42.03,
12 subdivision (a). On Staples Center property, Strauss attempted to illegally sell LAPD undercover
13 officers tickets to a Lakers versus Boston Celtics basketball game. At the time that he was arrested,
14 Strauss was in possession of two tickets to the above Lakers event. He also complained of chest pains
15 and was transported to the USC Medical Center. On November 5, 2009, Strauss was cited for a
16 violation of LAMC section 42.03, subdivision (b), near Staples Center for illegally selling tickets. On
17 January 24, 2009, Strauss was arrested for a violation of PC section 346. LAPD officers observed
18 Strauss illegally selling an individual a ticket to the Margarito versus Mosley World Championship
19 Fight at Staples Center. At the time that he was arrested, Strauss was in possession of \$230.00. On
20 May 20, 2008, in the area near Dodger Stadium, Strauss illegally sold tickets to a Dodgers game.
21 When officers arrested Strauss for a violation of LAMC section 42.03, subdivision (a), they recovered
22 eight additional game tickets on his person.

23 FIRST CAUSE OF ACTION

24 Civil Code section 3479, *et seq.*

25 [Against All Defendants and DOES 1 through 100]

26 42. Plaintiff hereby incorporates by reference paragraphs 1 through 41, inclusive, of this
27 Complaint and makes them part of the First Cause of Action, as if fully set out herein.

28 43. Civil Code section 3479 defines a nuisance as "[a]nything which is injurious to health,

1 including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the
2 senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment
3 of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any ...
4 public park, square, street, or highway . . ." (See *City of Bakersfield v. Miller* (1996) 64 Cal.2d 93, 99
5 ["The Legislature has defined in general terms the word 'nuisance' in Civil Code section 3479. . ."].)

6 44. Civil Code section 3480 defines a public nuisance as "one which affects at the same time
7 an entire community or neighborhood, or any considerable number of persons, although the extent of
8 the annoyance or damage inflicted upon individuals may be unequal."

9 45. Civil Code section 3491 provides for the methods by which public nuisances such as
10 those alleged herein may be abated. It states in relevant part that the "remedies against a public
11 nuisance are: indictment or information; a civil action; or, abatement."

12 46. Code of Civil Procedure section 731 authorizes a city attorney to bring an action to
13 enjoin or abate a public nuisance and to recover damages. It provides in relevant part: "A civil action
14 may be brought in the name of the people of the State of California to abate a public nuisance . . . by
15 the city attorney of any town or city in which the nuisance exists."

16 47. Abatement is "accomplished by a court of equity by means of an injunction proper and
17 suitable to the facts of each case." (*Sullivan v. Royer* (1887) 72 Cal. 248, 249; see also *People v. Selby*
18 *Smelting and Lead Co.* (1912) 163 Cal. 84, 90 ["[I]n California, the rule is well established that in
19 proper cases injunctive relief which accomplishes the purposes of abatement without its harsh features,
20 is permissible."].)

21 48. To be enjoined as a public nuisance, the acts complained of need not be criminal:
22 "Acts or conduct which qualify as public nuisances are enjoined as civil wrongs or prosecutable as
23 criminal misdemeanors, a characteristic that derives not from their status as independent crimes, but
24 from their inherent tendency to injure or interfere with the community's exercise and enjoyment of
25 rights common to the public. It is precisely this recognition of -- and willingness to vindicate -- the
26 value of community and the collective interests it furthers, rather than to punish criminal acts, that lies
27 at the heart of the public nuisance as an equitable doctrine." (*People ex rel. Gallo v. Acuna* (1997) 14
28 Cal.4th 1090, 1108-1109; see also *In re Englebrecht* (1990), 67 Cal.App.4th 486, 492 ["Either criminal

1 or noncriminal conduct may be abated . . . ").)

2 49. "[A]n affected party need not wait until actual injury occurs before bringing an action to
3 enjoin a nuisance." (*Beck Development Co. v. Southern Pacific Transportation Co.* (1996) 44
4 Cal.App.4th 1160, 1213.) "Equity will interfere by injunction to prevent threatened injury, where acts
5 which create a public nuisance are about to be committed...." (*McClatchy v. Laguna Lands, Ltd.*
6 (1917) 32 Cal.App. 718, 725.) Thus, "it is not necessary to show that harm actually occurred"; it is
7 sufficient "that a defendant's acts are likely to cause a significant invasion of a public right." (*In re*
8 *Firearms Cases* (2005) 126 Cal.App.4th 959, 988.) Indeed, "mere apprehension of injury from a
9 dangerous condition may constitute a nuisance where it interferes with the comfortable enjoyment of
10 property. . . ." (*McIvor v. Mercer-Fraser Co.* (1946) 76 Cal. App. 2d 247, 254.)

11 50. The California Supreme Court has stated that "public nuisances are offenses against, or
12 interferences with, the exercise of *rights common to the public*." (*People ex rel. Gallo v. Acuna, supra*,
13 14 Cal.4th at p. 1103, original italics .) To rise to the level of an actionable public nuisance, "the
14 interference must be both *substantial and unreasonable*." (*Id.* at p. 1105.) The interference is
15 "substantial if it causes significant harm and unreasonable if its social utility is outweighed by the
16 gravity of the harm inflicted." (*County of Santa Clara v. Atlantic Richfield Co.* (2006) 137 Cal.App.4th
17 292, 305; *People ex rel. Gallo v. Acuna, supra*, 14 Cal.4th at p. 1105.)

18 51. "Liability for nuisance does not hinge on whether the defendant owns, possesses or
19 controls the property, nor on whether he is in a position to abate the nuisance; the critical question is
20 whether the defendant *created or assisted in the creation of the nuisance*." (*County of Santa Clara v.*
21 *Atlantic Richfield Co., supra*, 137 Cal.App.4th at p. 306, original italics, citations and internal quotation
22 marks omitted; *City of Modesto Redevelopment Agency v. Superior Court* (2004) 119 Cal.App.4th 28,
23 38; see also *Mangini v. Aerojet-General Corp.* (1991) 230 Cal.App.3d 1125, 1137; *California*
24 *Department of Toxic Substances v. Payless Cleaners* (E.D. Cal. 2005) 368 F.Supp.2d 1069, 1081.)

25 52. Defendants have illegally sold and will continue to illegally sell tickets and engage in
26 other nuisance conduct at the LA Sports/Entertainment Venues and/or have continued and will continue
27 to aid, abet, facilitate, direct, and profit from such conduct.

28 53. Defendants, by their illegal ticket sales at the LA Sports/Entertainment Venues, as set

1 forth in this Complaint, have violated state and local nuisance laws, having created, maintained, or
2 assisted in the creation or maintenance of a public nuisance.

3 54. By acting as alleged herein, Defendants have acted so as to injure the health and welfare
4 of those at the LA Sports/Entertainment Venues; created conditions and engaged in activities that have
5 obstructed the free use of property so as to interfere with the comfortable enjoyment of life or property;
6 unlawfully obstructed the free passage or use of public streets and thoroughfares; and/or assisted,
7 facilitated, ordered, and profited from such conduct.

8 55. Defendants have created, maintained, and/or assisted in the creation of this public
9 nuisance in the following ways, among others:

- 10 a. Typical law enforcement techniques are ineffective at controlling and mitigating
11 ticket scalping by Defendants.
- 12 b. In order to engage in illegal ticket sales or to assist, facilitate and profit from
13 illegal ticket sales at the LA Sports/Entertainment Venues, Defendants interfere
14 with pedestrian and vehicular traffic at these venues.
- 15 c. Defendants personally act as magnets for theft, robbery, and crimes of violence
16 at the LA Sports/Entertainment Venues. Areas with high levels of illegal ticket
17 sales have disproportionately high levels of theft, robbery, crimes of violence,
18 and narcotics sales and use. Areas with high levels of illegal ticket sales thus
19 drain additional law enforcement resources that otherwise could be used for
20 emergencies elsewhere and could be used proactively to reduce crime throughout
21 the City of Los Angeles.
- 22 d. Defendants, by the conduct alleged in this Complaint, help create an
23 environment in which people attending events, many of whom spend money
24 patronizing adjoining restaurants and bars, feel less safe.

25 56. Unless Defendants are restrained and enjoined by order of this Court, they will continue
26 to engage in wrongful conduct and aid and abet, assist, and profit from wrongful conduct at the LA
27 Sports/Entertainment Venues to the great and irreparable damage of the People and in violation of state
28 and local law. Through their repeated illegal ticket sales, Defendants have demonstrated that they

1 intend to continue conducting illegal ticket sales and related harmful conduct at the LA
2 Sports/Entertainment Venues.

3 57. The People have no adequate remedy at law, and unless each Defendant is enjoined and
4 restrained by order of this Court, they will continue to create, maintain, or assist in the creation or
5 maintenance of a public nuisance at the LA Sports/Entertainment Venues, thereby causing irreparable
6 injury and harm to the public's welfare.

7 SECOND CAUSE OF ACTION

8 **Business and Professions Code section 17200 *et seq.***

9 **[Against All Defendants and Does 1-100]**

10 58. Plaintiff hereby incorporates by reference paragraphs 1 through 57 inclusive, of this
11 Complaint and makes them part of the Second Cause of Action, as if fully set out herein.

12 59. California's Unfair Competition Law (hereinafter "UCL") prohibits business acts or
13 practices that are unlawful, unfair, or fraudulent; and advertising that is unfair, deceptive, untrue, or
14 misleading. The UCL prohibits "unfair competition," which B&P code section 17200 defines as
15 including "any unlawful, unfair or fraudulent business act or practice. . . ." The California Supreme
16 Court has repeatedly noted that the scope of conduct covered by the UCL is broad. (*Korea Supply Co.*
17 *v. Lockheed Martin Corp.* (2003) 29 Cal.4th 1134, 1144; accord, *Kasky v. Nike, Inc.* (2002) 27 Cal.4th
18 939, 949; *Cel-Tech Communications, Inc. v. Los Angeles Cellular Telephone Co.* (1999) 20 Cal.4th
19 163, 180; *Committee on Children's Television, Inc. v. General Foods Corp.* (1983) 35 Cal.3d 197, 209-
20 210; *People v. McKale* (1979) 25 Cal.3d 626, 632).

21 60. "By proscribing unlawful business practices, the UCL borrows violations of other laws
22 and treats them as independently actionable." (*Daugherty v. American Honda Motor Co., Inc.* (2006)
23 144 Cal.App.4th 824, 837; accord, *Korea Supply Co. v. Lockheed Martin Corp.*, *supra*, 29 Cal.4th at
24 p.1143; *Cel-Tech Communications, Inc. v. Los Angeles Cellular Telephone Co.*, *supra*, 20 Cal.4th at
25 p.180; *Farmers Insurance Exchange v. Superior Court* (1992) 2 Cal. 4th 377, 383.)

26 61. "Virtually any state, federal or local law can serve as the predicate for an action under
27 Business and Professions Code section 17200." (*Podolsky v. First Healthcare Corp.* (1996) 50
28 Cal.App.4th 632, 647; see also *Saunders v. Superior Court* (California Reporting Alliance) (1994) 27

1 Cal.App.4th 832, 838-39 ["The 'unlawful' practices prohibited by section 17200 are any practices
2 forbidden by law, be it civil or criminal, federal, state, or municipal, statutory, regulatory, or court-
3 made."]; *Paulus v. Bob Lynch Ford, Inc.* (2006) 139 Cal.App 4th 659, 681 ["[E]xamples of UCL claims
4 properly alleging 'unlawful' conduct, while not boundless, are seemingly so."].)

5 62. PC violations may form the basis of an "unlawful" business act or practice claim. (See
6 *Stop Youth Addiction, Inc. v. Lucky Stores, Inc.* (1998) 17 Cal.4th 553, 565-67, 576-77 [PC section 308;
7 sale of tobacco products to minors]; *People v. E.W.A.P., Inc.* (1980) 106 Cal.App.3d 315, 318-21 [PC
8 section 311.2; sale or distribution of obscene matter]; *People v. K. Sakai Co.* (1976) 56 Cal.App.3d
9 531, 533-35 [PC sections 653(o) and 653(r); import and sale of body parts of endangered species].)

10 63. The terms "any" and "act" (as in "any unlawful. . .business act or practice") were added
11 to section 17200 by a 1992 amendment. (See *United Farm Workers of America, AFL-CIO v. Dutra*
12 *Farms* (2000) 83 Cal.App.4th 1146, 1163 ["In response to the California Supreme Court's 1988 ruling
13 that a 'business practice' under Business and Professions Code section 17200 must encompass more
14 than a single transaction. . . .the Legislature amended the statute in 1992 to provide that 'unfair
15 competition shall mean and include any unlawful, unfair or fraudulent business act or practice . . .'.'])

16 64. In committing the acts and omissions described in this Complaint, Defendants violated
17 the UCL by engaging in the following unlawful business acts and practices at the LA
18 Sports/Entertainment Venues, among others:

- 19 a. Defendants violated PC section 346 by selling tickets (obtained for the purpose
20 of resale) to entertainment events, at a price in excess of face value, while on the
21 grounds of the events.
- 22 b. Defendants violated LAMC section 42.03 by selling tickets in a public place,
23 public sidewalk, public street, or place open to the public.
- 24 c. Defendants violated LAMC section 21.03 by engaging in a business or
25 occupation subject to tax and failing to obtain a Business Tax Registration
26 Certificate to pay the required tax.

27 65. In committing the acts and omissions described in this Complaint, Defendants have also
28 violated the UCL by engaging in unfair business acts or practices.

66. Plaintiff has no adequate remedy at law, and unless Defendants, and each of them, are enjoined and restrained by order of this Court, Defendants will continue to commit unlawful business practices or acts, thereby causing irreparable injury and harm to the public's welfare.

PRAYER FOR RELIEF

Wherefore, the People pray that:

A. Pursuant to Civil Code sections 3479 and 3480 and Business and Professions Code sections 17203 and 17204, the Court grant a permanent injunction enjoining and restraining Defendants, as follows:

1. **STAY AWAY FROM LA SPORTS/ENTERTAINMENT VENUES:**

Defendants are perpetually enjoined from being present within the boundaries of:

- a. Dodger Stadium (as depicted in "Map A," attached as Exhibit 1) bounded by the route starting at Riverside Drive and Interstate 5, continuing south along Interstate 5 to the 110 Freeway, continuing south along the 110 Freeway to West Sunset Boulevard, continuing north on West Sunset Boulevard to Echo Park Avenue, continuing north on Echo Park Avenue to Morton Avenue, continuing east on Morton Avenue to Avon Street, continuing north on Avon Street to Duane Street, continuing east on Duane Street to Park Drive, continuing north on Park Drive to Avon Park Terrace, continuing west on Avon Park Terrace to Avon Street, continuing north on Avon Street to Bard Street, continuing north on Bard Street to Stadium Way, continuing north on Stadium Way to the starting point at Riverside Drive and extending one hundred yards to the outside of these boundaries;
- b. Staples Center and the LA Live venues (as depicted in "Map B," attached as Exhibit 2), bounded by the route starting at the intersection of Pico Boulevard and Grand Avenue, continuing west on Pico Boulevard to the 110 Freeway, continuing north along the 110 Freeway to 8th Street, continuing east on 8th Street to Grand Avenue, continuing south on Grand Avenue back to the starting point at

1 Pico Boulevard and extending one hundred yards to the outside of these
2 boundaries;

- 3 c. The Coliseum and Galen (as depicted in "Map C," attached as Exhibit 3),
4 bounded by the route starting at the intersection of the 110 Freeway and Martin
5 Luther King Jr. Boulevard, continuing west on Martin Luther King Jr. Boulevard
6 to Vermont Avenue, continuing north on Vermont Avenue to Exposition
7 Boulevard, continuing east on Exposition Boulevard to Figueroa Street,
8 continuing north on Figueroa Street to West 33rd Street, continuing east on West
9 33rd Street to the 110 Freeway, continuing south along the 110 Freeway back to
10 the starting point at Martin Luther King Jr. Boulevard and extending one
11 hundred yards to the outside of these boundaries.

12 **2. NO ASSOCIATION WITH ILLEGAL TICKET SELLERS:** Standing, sitting,
13 running, walking, talking, riding, driving, gathering, being in the presence of, or appearing anywhere in
14 public view, or any place accessible to the public, with any Defendant named in this Complaint or
15 anyone known by Defendant to be an illegal ticket seller. "Illegal ticket seller" means anyone who sells
16 tickets to events, or who offers to sell tickets to events, at one of the LA Sports/Entertainment Venues
17 in violation of PC section 346 or LAMC section 42.03.

18 **3. NO INTERFERENCE WITH TRAFFIC:** Blocking or hindering the free passage
19 of any person or vehicle on any public street, walkway, sidewalk, driveway, alleyway, or other public
20 thoroughfare.

21 **B. OPT-OUT PROVISION:** The Court grant this opt-out provision, which provides that
22 any Defendant may move the Court for a modification of the permanent injunction so as to remove that
23 Defendant from being bound by its terms, should that Defendant meet the following conditions:

24 1. Defendant submits to the City Attorney a Declaration, signed under penalty of
25 perjury, stating that Defendant:

- 26 a. Has not been arrested or charged with the violation of any criminal law
27 during the two years preceding the date of Defendant's signed Declaration.
28 b. Has been gainfully employed in a legal business and filed state and federal

1 income tax returns during the two years before he signed the Declaration.

2 2. Defendant cooperates with the City Attorney to allow the City Attorney to
3 confirm the statements in the Declaration.

4 C. **CIVIL PENALTIES:** Pursuant to Business and Professions Code section
5 17200, Defendants be assessed a civil penalty in the amount of Two Thousand Five Hundred Dollars
6 (\$2,500.00) for each act of unfair competition in violation of Business and Professions Code section
7 17200, according to the proof, but in an amount no less than \$20,000.00 for each Defendant.

8 D. Plaintiff recover the amount of the filing fees and the amount of the fee for the
9 service of process or notices which would have been paid but for Government Code section 6103.5,
10 designating it as such. The fees may, at the Court's discretion, include the amount of the fees for
11 certifying and preparing transcripts.

12 E. Plaintiff be awarded cost of suit.

13 Dated: August 6, 2012

Respectfully submitted,
14 CARMEN A. TRUTANICH, City Attorney
MARY CLARE MOLIDOR, Deputy Chief, Criminal and Special
15 Litigation Branch
ANNE TREMBLAY, Supervisor, Assistant City Attorney
16 GREG DORFMAN, Deputy City Attorney
17 SUSAN J. CHUNG, Deputy City Attorney
OFFICE OF THE LOS ANGELES CITY ATTORNEY
18 CRIMINAL BRANCH

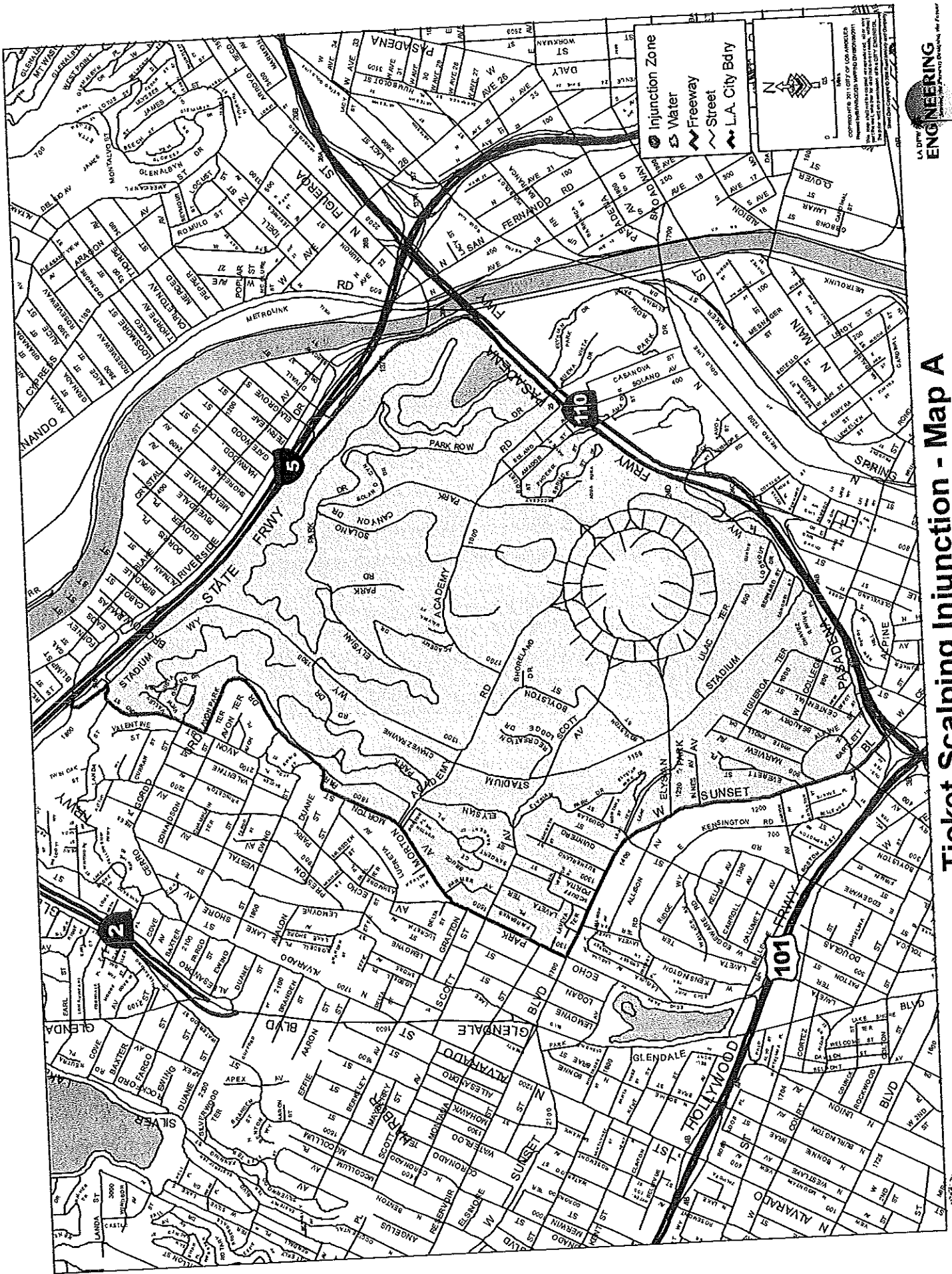
19
20 By: 

GREG DORFMAN, Deputy City Attorney
21 Attorney for Plaintiff, THE PEOPLE OF THE STATE
22 OF CALIFORNIA

23
24 By: 

SUSAN J. CHUNG, Deputy City Attorney
25 Attorney for Plaintiff, THE PEOPLE OF THE STATE
26 OF CALIFORNIA
27
28

EXHIBIT 1

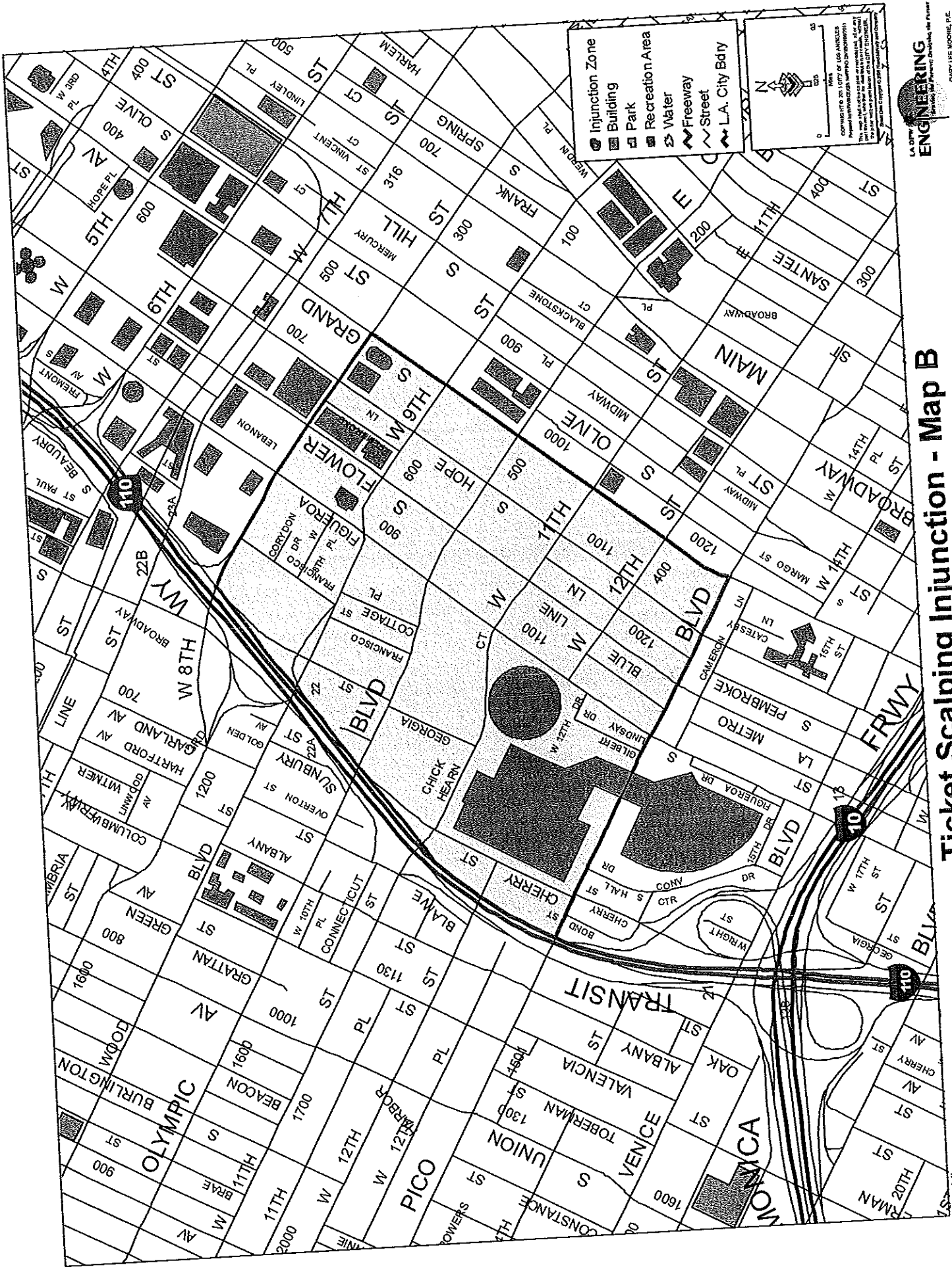


Ticket Scalping Injunction - Map A

Office of the City Attorney



EXHIBIT 2



Ticket Scalping Injunction - Map B

EXHIBIT 3



CARMEN A. TRUTANICH, LOS ANGELES CITY ATTORNEY
Mary Clare Molitor, Deputy Chief,
Criminal and Special Litigation Branch (Bar No. 82404)
Anne Tremblay, Supervisor, Assistant City Attorney,
Anti-Gang Section (Bar No. 180956)
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

AUG 06 2012

John A. Clark, Executive Officer/Clerk
BY *[Signature]* Deputy
Isavilla Chambers

Attorneys for Plaintiff, The People of the State of California

NO FEE – GOV'T CODE §6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

BC 489563

THE PEOPLE OF THE STATE OF CALIFORNIA,
Ex rel. Carmen A. Trutanich, as the City Attorney for
the City of Los Angeles,

Plaintiff,

vs.

ANTHONY AKMAL AKA ANTHONY BELL; LEE
BROWDER; MARVIN BROWDER; JASON
COOPER; XAVIER COWLEY; KEITH DANIELS;
BLAND DORTCH; GEORGE DOSS; CECIL HILL
AKA MIKE JOHNSON; LYDELL JACKSON; EDDIE
JOHNSON; FREDDIE KING; JOSEPH E. NELSON III
AKA JOSEPH NELSON; JOSEPH EDWARD
NELSON; WILLIAM OFFRAY; MARK ROBINSON;
MELTON STRAUSS; as Individual Defendants and
DOES 1 through 100.

Defendants.

Case No.:

DECLARATION OF ROBERT LEE,
PRINCIPAL TAX COMPLIANCE
OFFICER IN SUPPORT OF
PLAINTIFF'S COMPLAINT SEEKING
TO ENJOIN, ABATE, AND PREVENT
NUISANCE ACTIVITY AND TO
ENJOIN UNLAWFUL BUSINESS
PRACTICES
[CIV. CODE §§ 3479, 3480, AND 3491;
CODE OF CIV. PROC. § 731; BUS. &
PROF. § 17200, 17203, 17204.]

Unlimited civil case)

Plaintiff, People of the State of California, respectfully submits the attached Declaration of
Robert Lee in support of the Complaint Seeking to Enjoin, Abate and Prevent Nuisance Activity and to

///

///

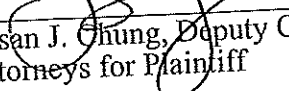
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1 Enjoin Unlawful Business Practices.

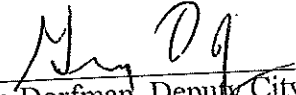
2 DATED: August 6, 2012

THE PEOPLE OF THE STATE OF CALIFORNIA
CARMEN A. TRUTANICH, CITY ATTORNEY
Mary Clare Molitor, Deputy Chief,
Criminal and Special Litigation Branch
Anne Tremblay, Supervisor, Assistant City Attorney,
Anti-Gang Section

6
7 By:


Susan J. Chung, Deputy City Attorney
Attorneys for Plaintiff

8
9
10 By:


Greg Dorfman, Deputy City Attorney
Attorneys for Plaintiff

DECLARATION OF ROBERT LEE

I, Officer Robert Lee, declare as follows:

1. I am a Principal Tax Compliance Officer for the City of Los Angeles, Office of Finance. I have over twelve years of business tax experience with the City of Los Angeles.

2. I am currently employed as a Principal Tax Compliance Officer for the City of Los Angeles, Office of Finance, Tax and Permit Division. I supervise and manage the activities of discovery, field enforcement and audit clerical units in the enforcement of the City's business tax ordinance and permits. I analyze and evaluate databases, workflow, and staff efficiencies in order to ensure that our units are keeping in track with the department's overall revenue goals. I represent the Office of Finance in meetings with City staff outside our department, governmental agencies, and various professional entities regarding their concerns or issues with our departmental protocols and procedures. I also handle complex investigations or cases with businesses and individuals that could not be resolved at a lower level.

3. I have worked for the Office of Finance since its establishment in 2000. Prior to the creation of, and my employment with, the Office of Finance, I worked for the Office of the City Clerk, where I performed field investigations at business locations to take evidence and enforce the City's policies and ordinances regarding businesses and occupations requiring the Business Tax Registration Certificate and various other permits.

4. I am familiar with the main computer database system, known as LATAX, used by the Office of Finance to store information received in the regular course of business for taxpayer accounts. I have used LATAX since its inception in 2004, and I am familiar with all its accounting, data input and record keeping features.

5. The Office of Finance ensures that businesses and professional activities within the City are in compliance with the Los Angeles Municipal Code under Chapter II, Licenses, Permits, Business Regulation. In addition, it is also the responsibility of the Office of Finance to collect revenues, outstanding delinquencies and claims on behalf of other City departments.

///

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1 6. Persons engaged in any business activities or occupation within the City of Los
2 Angeles which generate revenue are required to register and pay for the required tax based on said
3 revenue.

4 7. Under Los Angeles Municipal Code section 21.00 (i)(5), a person shall be
5 deemed engaged in business within the City if such person or his employee performs work or renders
6 services in the City on a regular and continuous basis involving not less than seven working days per
7 year.

8 8. Under Los Angeles Municipal Code section 21.03, a Business Tax Registration
9 Certificate must be obtained and a business tax must be paid by everyone engaged in any businesses or
10 occupations specified under article 1, chapter 2 of the Los Angeles Business Tax Ordinance. No
11 person shall engage in any business or occupation subject to tax without obtaining a registration
12 certificate and paying the required tax.

13 9. Business records of the Office of Finance regarding taxpayer accounts that are
14 contained in LATAX include such information as taxpayer names, social security numbers, federal
15 identification numbers, addresses, account numbers, business registration information, amount of taxes
16 owed, amount of taxes paid, and the various actions taken by the Office of Finance relative to each
17 taxpayer. Additionally, these records may contain notes entered by Office of Finance staff from
18 communications with the taxpayer or notes of field investigation findings. All records entered into
19 LATAX are made and preserved in the regular course of business and are relied upon by the City of
20 Los Angeles. Documents filed by the taxpayer and received by the Office of Finance are kept in the
21 Office of Finance Document Management Systems Unit for three years. After three years, these
22 documents are boxed and forwarded to be stored for record retention in the City's record retention
23 storage facility.

24 10. In December 2011, Deputy City Attorney Susan Chung, provided me with the
25 names, social security numbers, dates of birth, and addresses for the following individuals: Anthony
26 Akmal, Lee Browder, Marvin Browder, Jason Cooper, Xavier Cowley, Keith Daniels, Bland Dortch,
27 George Doss, Cecil Hill, Lydell Jackson, Eddie Johnson, Freddie King, Joseph Nelson, William Offray,
28 Mark Robinson, and Melton Strauss. In July 2012, Deputy City Attorney Susan Chung provided me

1 with an additional name, Joseph Edward Nelson, his date of birth, social security number, and address
2 to run under the same criteria as above. Research of the individuals in LATAX was based on three
3 criteria. The first criteria were variations of the individual's full name, such as, Anthony Edward
4 Akmal, Anthony E. Akmal, Anthony Akmal and Edward Akmal. The second criteria consisted of a
5 search of their social security numbers, as provided. The third was a search of the addresses associated
6 with the individuals. In cases where the names were similar to those in LATAX, a secondary level of
7 evaluation of the social security numbers allowed us to establish whether the Business Tax Registration
8 Certificate was related to the above individuals. Research was also done on the addresses to establish if
9 there were additional relationships regarding business or mailing addresses in the LATAX database and
10 the individuals on the files.

11 11. Based on my research, only two individuals from the names provided to me,
12 have had existing Business Tax Registration Certificates with the City of Los Angeles. Marvin
13 Browder has had a Business Tax Registration Certificate as a carpet cleaning entity that discontinued
14 business in 2000. William Offray has also had a Business Tax Registration Certificate as a retail entity
15 that discontinued business as of 1998. However, none of the seventeen individuals currently have an
16 active or valid Business Tax Registration Certificate as required by the Los Angeles Municipal Code.

17 12. All of the facts set forth in the business records are within my personal
18 knowledge or contained in the official records of the Office of Finance of the City of Los Angeles, and
19 if called as a witness, I could and would testify competently thereto.

20
21 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
22 and correct. As to those matters related on information and belief, I believe them to be true and
23 correct. Executed in the County of Los Angeles, State of California on 8/3/12
24 (date)

25 Robert Lee
26
27
28

CARMEN A. TRUTANICH, LOS ANGELES CITY ATTORNEY
Mary Clare Molitor, Deputy Chief,
Criminal and Special Litigation Branch (Bar No. 82404)
Anne Tremblay, Supervisor, Assistant City Attorney,
Anti-Gang Section (Bar No. 180956)
Greg Dorfman, Deputy City Attorney (Bar No. 204470)
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Email: Greg.Dorfman@lacity.org
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COUNTY OF LOS ANGELES

AUG 06 2012

John A. Clark, Executive Officer/Clerk
BY [Signature] Deputy
Ayilia Chambers

Attorneys for Plaintiff, The People of the State of California

NO FEE – GOV'T CODE §6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,
Ex rel. Carmen A. Trutanich, as the City Attorney for
the City of Los Angeles,

Plaintiff,

vs.

ANTHONY AKMAL AKA ANTHONY BELL; LEE
BROWDER; MARVIN BROWDER; JASON
COOPER; XAVIER COWLEY; KEITH DANIELS;
BLAND DORTCH; GEORGE DOSS; CECIL HILL
AKA MIKE JOHNSON; LYDELL JACKSON; EDDIE
JOHNSON; FREDDIE KING; JOSEPH E. NELSON III
AKA JOSEPH NELSON; JOSEPH EDWARD
NELSON; WILLIAM OFFRAY; MARK ROBINSON;
MELTON STRAUSS; as Individual Defendants and
DOES 1 through 100.

Defendants.

Case No.: BC489563

EXPERT DECLARATION OF
JOSE ESKENAZI IN SUPPORT OF
PLAINTIFF'S COMPLAINT SEEKING
TO ENJOIN, ABATE, AND PREVENT
NUISANCE ACTIVITY AND TO
ENJOIN UNLAWFUL BUSINESS
PRACTICES
[CIV. CODE §§ 3479, 3480, AND 3491;
CODE OF CIV. PROC. § 731; BUS. &
PROF. § 17200, 17203, 17204.]

(Unlimited civil case)

Plaintiff, People of the State of California, respectfully submits the attached Declaration of Jose
Eskenazi in support of the Complaint Seeking to Enjoin, Abate and Prevent Nuisance Activity and to

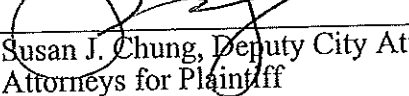
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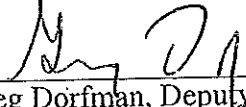
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1 Enjoin Unlawful Business Practices.

2 DATED: August 6, 2012 THE PEOPLE OF THE STATE OF CALIFORNIA
3 CARMEN A. TRUTANICH, CITY ATTORNEY
4 Mary Clare Molidor, Deputy Chief,
5 Criminal and Special Litigation Branch
6 Anne Tremblay, Supervisor, Assistant City Attorney,
7 Anti-Gang Section
8

9
10 By: 
11 Susan J. Chung, Deputy City Attorney
12 Attorneys for Plaintiff
13

14
15 By: 
16 Greg Dorfman, Deputy City Attorney
17 Attorneys for Plaintiff
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DECLARATION OF JOSE ESKENAZI

I, Jose Eskenazi, declare as follows:

1. I am currently employed by the University of Southern California (USC) Athletic Department as the Associate Athletic Director responsible for Marketing, Corporate Sponsorships, Strategic Partnerships, and Licensing. I have been in this current position since July of 2006. I was originally hired as the Assistant Athletic Director for Corporate Sponsorships in May 2003 and was in that position through June of 2006. From 1998 to 2003, I was the Director of Advertising and Consumer Events at the Los Angeles Times. From 1993 to 1998, I worked for Nike in various capacities in both sports and marketing events. I received a Bachelor of Science in Marketing from the University of Southern California in 1995. I am also a 2005 graduate of the Sports Management Institute, an executive education program for sports industry professionals.

2. Throughout my career, I have worked on and been intimately involved with the production and execution of live games and events. I currently oversee sponsorship and marketing efforts in relation to most of USC's sports. The two biggest sports at USC are football (which plays its home games at the Los Angeles Memorial Coliseum) and men's basketball (which plays its games at the Galen Center). USC's ticket marketing efforts include the selling of tickets to the general public, USC athletic donors, USC alumni, and students.

3. The Los Angeles Memorial Coliseum is one of the oldest and largest stadiums in the United States. The Coliseum was the site of the 1932 Olympic Games and hosted the opening and closing ceremonies and track events of the 1984 Olympics. Over the years, the Coliseum has been home to many sports teams. The Coliseum has hosted various events, from concerts and speeches to track meets and motorcycle races. The Coliseum has a present capacity of 93,607 seats. It is located on 17 acres in Exposition Park, which also houses museums, gardens and the Los Angeles Sports Arena.

4. On October 21, 2006, the University of Southern California opened the Galen Center. This venue became the new home to USC's basketball and volleyball programs. The Galen Center is a 255,000 square-foot arena with 10,258 seats. There is an attached 45,000 square-foot pavilion containing additional practice room with enough space for four basketball courts or nine volleyball courts, as well as seating for 1,000 people. The Galen Center also has function rooms, a ticket office,

1 concession stands and a merchandise store. Built with the entire community in mind, the Galen Center
2 opens its doors to youth and high school sporting events when the USC Trojans Sports Teams are not
3 competing. The venue has also hosted concerts, commencement ceremonies, community events,
4 lectures, corporate meetings, trade shows, pageants and more.

5 5. Tickets to USC Athletic events are first and foremost sold via the USC Ticket Office.
6 These ticket transactions can take place either on-line (via the USC Ticket Office website) or on-site (via
7 the USC Ticket Office). The Ticket Office is open during normal business hours and is also open on
8 game days for walk-up ticket sales. The USC Athletic Department and the USC Ticket Office also have
9 a partnership with Stubhub.com to act as USC's official secondary ticket marketplace. Essentially, this
10 is a relationship intended as a benefit to USC season ticket holders who can sell their tickets in a safe,
11 trusted and controlled environment. Once a transaction is completed on Stubhub.com, the tickets are
12 either shipped via overnight shipping or the tickets are emailed to the buyer. There is also a
13 Stubhub.com will-call location at the Coliseum and adjacent to the Galen Center at the USC Ticket
14 Office will-call window.

15 6. Tickets to USC football and men's basketball games are also distributed free of charge to
16 several children's community groups as part of our "Kid's Corner" program. Approximately 2,000
17 tickets per football game, and several hundred per basketball game, are provided to such organizations
18 as the Boys and Girls Club of Los Angeles, church groups, and after school programs. I have
19 encountered several instances where some of the tickets that we have distributed through our "Kid's
20 Corner" program have been sold by scalpers. These are zero dollar value tickets that are given away
21 free to underprivileged children. Somehow, ticket scalpers are able to obtain these tickets and then sell
22 them at enormous profits. The deserving recipients of these tickets are deprived of the ability to enjoy
23 the sporting event.

24 7. Ticket scalpers are a general nuisance and have a negative impact on our sporting events.
25 USC games are intended to be fun, family-oriented events. We go to great lengths to ensure that our fan
26 game experience is safe and pleasant for families and all those in attendance. Ticket scalpers interfere
27 with traffic, loiter around the sporting venue, and aggressively approach potential buyers in an attempt
28 to sell their tickets. Ticket scalpers create an atmosphere of fear, intimidation and annoyance. Our

1 ticket holders are approached, solicited and forced to walk away from aggressive ticket scalpers.

2 8. From a purely business perspective, the activity of scalpers cannibalizes our day of game
3 sales through the USC Ticket Office. Their activity takes away new, incremental sales for us. Every
4 ticket buyer diverted by the ticket scalper is one less ticket sale that we make, ultimately limiting our
5 revenue making ability. The activity of ticket scalpers is economically harmful to the University and
6 their predatory actions are unfair.

7 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
8 correct. As to those matters related on information and belief, I believe them to be true and correct.

9 Executed in the County of Los Angeles, State of California on July 11, 2012.

10 (date)
11 Jose Eskenazi
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1 CARMEN A. TRUTANICH, LOS ANGELES CITY ATTORNEY

2 Mary Clare Molitor, Deputy Chief,

3 Criminal and Special Litigation Branch (Bar No. 82404)

4 Anne Tremblay, Supervisor, Assistant City Attorney,

5 Anti-Gang Section (Bar No. 180956)

6 Greg Dorfman, Deputy City Attorney (Bar No. 204470)

7 Susan J. Chung, Deputy City Attorney (Bar No. 227755)

8 200 N. Main Street, 9th Floor, Room #966, Los Angeles, CA 90012

9 Phone #: (213) 978-4090; Fax #: (213) 978-8717

10 Email: Greg.Dorfman@lacity.org

11 Email: Susan.Jean.Chung@lacity.org

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COUNTY OF LOS ANGELES

AUG 06 2012

John A. Clarke, Executive Officer/Clerk
by [Signature] Deputy
Ishaylia Chambers

12 Attorneys for Plaintiff, The People of the State of California

NO FEE – GOV'T CODE §6103

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 IN THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

15 THE PEOPLE OF THE STATE OF CALIFORNIA,
16 *Ex rel.* Carmen A. Trutanich, as the City Attorney for
17 the City of Los Angeles,

18 Plaintiff,

19 vs.

20 ANTHONY AKMAL AKA ANTHONY BELL; LEE
21 BROWDER; MARVIN BROWDER; JASON
22 COOPER; XAVIER COWLEY; KEITH DANIELS;
23 BLAND DORTCH; GEORGE DOSS; CECIL HILL
24 AKA MIKE JOHNSON; LYDELL JACKSON; EDDIE
25 JOHNSON; FREDDIE KING; JOSEPH E. NELSON III
26 AKA JOSEPH NELSON; JOSEPH EDWARD
27 NELSON; WILLIAM OFFRAY; MARK ROBINSON;
28 MELTON STRAUSS; as Individual Defendants and
DOES 1 through 100.

Defendants.

Case No.:

BC 489563

DECLARATION OF LEE ZEIDMAN
IN SUPPORT OF PLAINTIFF'S
COMPLAINT SEEKING TO ENJOIN,
ABATE, AND PREVENT NUISANCE
ACTIVITY AND TO ENJOIN
UNLAWFUL BUSINESS PRACTICES
[CIV. CODE §§ 3479, 3480, AND 3491;
CODE OF CIV. PROC. § 731; BUS. &
PROF. § 17200, 17203, 17204.]

(Unlimited civil case)

Plaintiff, People of the State of California, respectfully submits the attached Declaration of Lee
Zeidman in support of the Complaint Seeking to Enjoin, Abate and Prevent Nuisance Activity and to

///

///

///

1 Enjoin Unlawful Business Practices.

2 DATED: August 6, 2012

3 THE PEOPLE OF THE STATE OF CALIFORNIA
4 CARMEN A. TRUTANICH, CITY ATTORNEY
5 Mary Clare Molidor, Deputy Chief,
6 Criminal and Special Litigation Branch
7 Anne Tremblay, Supervisor, Assistant City Attorney,
8 Anti-Gang Section

9 By: 

10 Susan L. Chung, Deputy City Attorney
11 Attorneys for Plaintiff

12 By: 

13 Greg Dorfman, Deputy City Attorney
14 Attorneys for Plaintiff
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DECLARATION OF LEE ZEIDMAN

I, Lee Zeidman, declare as follows:

1. I am currently employed by L.A. Arena Company, LLC ("LAAC") as Senior Vice President & General Manager of Staples Center/Nokia Theatre and LA Live. I have worked for LAAC for 14 years.

2. Prior to working for LAAC, between 1998 and 1999, I was employed by Ogden Entertainment as the Vice President of Operations responsible for oversight of the arena operations at the Great Western Forum. Prior to Ogden Entertainment, between 1986 and 1988, I worked as Assistant Director of Operations for University Center and Events Center at the University of California at Santa Barbara.

3. "LA Live" is a four million square foot sports, entertainment and residential district in downtown Los Angeles, adjacent to the Los Angeles Convention Center. LA Live features numerous restaurants, a 14-screen movie theatre, a 54-story hotel, and several live entertainment venues, including: (i) Nokia Theatre; (ii) Club Nokia, (iii) the Grammy Museum; and (iv) the Staples Center.

4. Nokia Theatre is a 7,100- seat live music and event theatre, which hosts family shows, award shows and special events, including the ESPYs, Emmys, American Music Awards, Peoples Choice Awards and American Idol finals.

5. Club Nokia is a 2,300 seat live music and event venue which hosts more than 100 concerts, live events and corporate meetings each year.

6. The Grammy Museum, established by the National Academy of Recording Arts and Sciences ("NARAS"), is a 30,000 square foot, 4-story museum dedicated to the history of the Grammy Awards. The Grammy Museum's Clive Davis Theatre hosts approximately 200 live events each year.

7. Staples Center is one of the world's premier sports and entertainment venues. Staples Center is a 19,000-seat multi-use sports and entertainment arena. Staples Center is home to four professional sports teams (the Los Angeles Lakers, the Los Angeles Clippers, the Los Angeles Sparks, and the Los Angeles Kings) and hosts over 250 events and nearly 4 million visitors on annual basis. Staples Center has hosted numerous high profile events of national and international importance,

1 including the 2004 and 2011 NBA All-Star Game, the 2002 NHL All-Star Game, the 2000 Democratic
2 National Convention, the 2009 World Figure Skating Championships, twelve GRAMMY Award shows
3 as well as the annual X Games Competition and Pac-12 Basketball Championship Tournament.

4 8. In the course of my 14 years of employment for LAAC, I have had occasion to
5 observe the activities and behavior of numerous tickets scalpers in and around Staples Center and LA
6 Live. I am also familiar with the economic impact caused by the activities of ticket scalpers on the
7 operation of our business at Staples Center and LA Live more broadly.

8 9. Our ticket sales revenues are adversely impacted by ticket scalpers. By selling
9 tickets to guests who would have otherwise purchased tickets from our box office, ticket scalpers
10 deprive us of new incremental ticket sales revenue. For every ticket sold to a guest by a ticket scalper
11 that is one less ticket sale we could have made.

12 10. Additionally, ticket scalpers frequently adopt aggressive and oftentimes
13 intimidating tactics when attempting to sell their tickets to people in and around our property. Guests
14 frequently complain about being "harassed" by ticket scalpers as our guests enter our buildings. The
15 success or failure of the Staples Center and for LA Live as a whole as a world-class entertainment
16 destination will depend directly on the number of guests we can encourage to come to our property - to
17 see sporting and musical events in our venues, to eat dinner in our restaurants and to stay in our hotel.
18 To the extent that ticket scalpers are allowed to create an environment that makes guests of ours feel
19 uncomfortable, harassed or threatened, that jeopardizes our ability to attract those guests to our property.
20 People would rather stay home to see an event, eat at a different restaurant, or stay at a different hotel,
21 where they will not be subjected to being harassed and intimidated by groups of ticket scalpers as they
22 enter our property.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
24 correct. As to those matters related on information and belief, I believe them to be true and correct.

25 Executed in the County of Los Angeles, State of California on

6/27/12
(date)

26
27
28 Lee Zeidman

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

AUG 06 2012

John A. Clark, Executive Officer/Clerk
BY *[Signature]* Deputy
Isayahia Chambers

Attorneys for Plaintiff, The People of the State of California

NO FEE – GOV'T CODE §6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,
Ex rel. Carmen A. Trutanich, as the City Attorney for
the City of Los Angeles,

Plaintiff,

vs.

ANTHONY AKMAL AKA ANTHONY BELL; LEE
BROWDER; MARVIN BROWDER; JASON
COOPER; XAVIER COWLEY; KEITH DANIELS;
BLAND DORTCH; GEORGE DOSS; CECIL HILL
AKA MIKE JOHNSON; LYDELL JACKSON; EDDIE
JOHNSON; FREDDIE KING; JOSEPH E. NELSON III
AKA JOSEPH NELSON; JOSEPH EDWARD
NELSON; WILLIAM OFFRAY; MARK ROBINSON;
MELTON STRAUSS; as Individual Defendants and
DOES 1 through 100.

Defendants.

Case No.: BC488503

EXPERT DECLARATION OF
OFFICER JESUS AISPURO
IN SUPPORT OF PLAINTIFF'S
COMPLAINT SEEKING TO ENJOIN,
ABATE, AND PREVENT NUISANCE
ACTIVITY AND TO ENJOIN
UNLAWFUL BUSINESS PRACTICES
[CIV. CODE §§ 3479, 3480, AND 3491;
CODE OF CIV. PROC. § 731; BUS. &
PROF. § 17200, 17203, 17204.]

(Unlimited civil case)

Plaintiff, the People of the State of California, respectfully submits the attached Declaration of
Officer Jesus Aispuro in support of the Complaint Seeking to Enjoin, Abate, and Prevent Nuisance

///

///

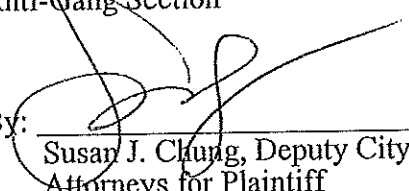
///

1 Activity and to Enjoin Unlawful Business Practices.

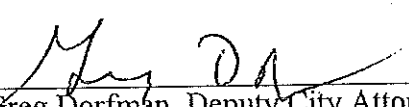
2 DATED: August 6, 2012

THE PEOPLE OF THE STATE OF CALIFORNIA
CARMEN A. TRUTANICH, CITY ATTORNEY
Mary Clare Molitor, Deputy Chief,
Criminal and Special Litigation Branch
Anne Tremblay, Supervisor, Assistant City Attorney,
Anti-Gang Section

6
7 By:


Susan J. Chung, Deputy City Attorney
Attorneys for Plaintiff

9
10 By:


Greg Dorfman, Deputy City Attorney
Attorneys for Plaintiff

DECLARATION OF OFFICER JESUS AISPURO

I, Officer Jesus Aispuro, declare as follows:

I am a police officer with the Los Angeles Police Department (hereinafter "LAPD") assigned to Northeast Division. I have served as a sworn peace officer since 2001. In my declaration, I discuss the following topics:

Background, Training, and Experience.....	¶2-9
Source of Tickets.....	¶10-13
Operating Methods.....	¶14-17
Hierarchy.....	¶18-29
Profits.....	¶30-32
Stay Away Order Sought.....	¶33

1 **I. BACKGROUND, TRAINING, AND EXPERIENCE**

2 1. I am currently employed as a police officer with the Los Angeles Police
3 Department. I have served as a sworn police officer since November 2001.

4 2. I received a Bachelor of Arts degree in Political Science and American Literature
5 from the University of California, Los Angeles in 2000.

6 3. I am currently assigned to LAPD Northeast Division Patrol as a field training
7 officer. Prior to that, I was assigned to LAPD Northeast Vice Unit as a Vice Investigator. I was a Vice
8 Investigator from February 2008 to October 2011. Prior to being a Vice Investigator, I worked as a
9 Prostitution Enforcement Detail (PED) Officer for Northeast Vice from November 2006 to February
10 2008. Prior to that assignment, in 2006, I was a uniformed Northeast patrol officer.

11 4. In my capacity as a Vice Investigator, I was assigned as the LAPD Northeast Area
12 Vice Liaison Officer to Dodger Stadium during the two seasons between 2008-2010 for Major League
13 Baseball. In addition, I am the investigating officer for the Dodger Stadium Master 3.18 Vice
14 Investigation Report. Contained in this report are all the arrests conducted during each Dodger baseball
15 season since 2008. This particular investigation opens on the first day of the Dodger season and ends on
16 the last day of the season. Some of my duties include developing strategies to arrest professional ticket
17 scalpers in and around Dodger Stadium, assisting in the prosecution of these cases, requesting stay-away
18 orders from Dodger Stadium, and compiling arrestee information to monitor and track repeat offenders.

19 5. My training regarding professional scalpers began while on uniformed patrol in
20 Northeast Division. I attended the LAPD 40-hour Vice School. I have received specialized training on
21 ticket scalping and illegal ticket sales violations from various deputy city attorneys. I have also received
22 training on ticket scalpers from other experienced vice officers from Northeast Division and Central
23 Division. The most important training I have received on ticket scalpers and illegal ticket sales has been
24 the on-the-job training. I have worked Northeast Vice for over four years, which has allowed me to
25 make hundreds of contacts with known ticket scalpers.

26 6. We typically cite or arrest scalpers for violations of Penal Code section 346,
27 Municipal Code section 42.00, subdivision (b), or Los Angeles Municipal Code section 42.03,
28 subdivisions (a) or (b).

1 7. I have conducted numerous undercover investigations at Dodger Stadium and
2 Staples Center. These contacts have included arrests based on my observations, investigations and
3 consensual encounters. During these contacts, I have had extensive discussions with arrestees regarding
4 the business of ticket scalping and the tactics used to limit or minimize their contact with the police. I
5 have learned that many ticket scalpers work together in organized groups and are often related to each
6 other by blood (e.g., cousins, brothers, fathers and sons). Most of these individuals are repeat offenders
7 that we encounter at almost every game or event. They have been completely undeterred by citation,
8 arrest and prosecution.

9 8. One of my important duties as a Vice Investigator has been to help set up multiple
10 task forces at Dodger Stadium to target illegal ticket scalpers. During these task force operations, we
11 often invite vice officers from other LAPD Divisions including Rampart, Newton, Hollenbeck, and
12 Central. These officers from other divisions assist us during these operations, and in turn, we assist
13 them. In particular, we often assist Central Division Vice with their undercover operations targeting
14 ticket scalpers at Staples Center. During these operations, I have had the opportunity to speak with
15 experienced vice officers regarding their contacts with illegal ticket scalpers. We also share information
16 on individual ticket scalpers, since we have observed that the same scalpers work both locations. In fact,
17 it is common for the scalpers to work all the sports and event stadiums in Southern California. Most of
18 the ticket scalpers who I have encountered at Dodger Stadium are the same individuals that I have
19 encountered at Staples Center. Through my conversations with them, I have learned that they frequently
20 work events at Angel Stadium of Anaheim, Los Angeles Memorial Coliseum, Home Depot Center in
21 Carson, Qualcomm Stadium in San Diego and even at major events in Las Vegas, Nevada.

22 **II. SOURCE OF TICKETS**

23 9. The most common method of obtaining tickets is through a ticket broker. The
24 tickets are often obtained legitimately and at a discounted rate and then later scalped at the stadium or
25 arena. Legitimate ticket brokers are individuals who may have either an online ticket broker business or
26 an actual fixed business location. Individuals who have a fixed business location generally have all the
27 required city and state business permits required to run a ticket brokerage company. These individuals
28 generally pay their taxes and avoid the risks associated with selling tickets illegally. Individuals who

1 have an online ticket brokerage business oftentimes do not pay all their city and state taxes because it is
2 easy to avoid detection on the internet. Ticket brokers usually buy large numbers of tickets directly
3 from the stadiums and receive discounted rates. Stadiums offer discounts on large ticket purchases
4 because they can sell large quantities of tickets very quickly to a single buyer. It is in the best interest of
5 the stadiums to sell as many tickets as possible, even if they offer them at a discount. Because ticket
6 brokers buy a large number of tickets from the stadiums on a regular basis, they are also given
7 preference on preferred seating for big games.

8 10. The ticket brokers that have a legitimate business will resort to selling tickets on
9 the street when they have an excess number of tickets and are unable to sell them legitimately. Ticket
10 brokers can lose a lot of money if they have a large inventory of unsold tickets. The ticket brokers know
11 they can find last minute customers outside of the stadiums. As a result, some will take the risk of being
12 arrested, rather than lose large quantities of money from having unsold tickets. The ticket brokers can
13 unload their unsold tickets in bulk to the ticket scalper groups that operate regularly outside the
14 stadiums, or they can try to personally sell them. Usually, they opt to sell them in bulk to the other
15 ticket scalping groups because it minimizes their personal risk of getting arrested.

16 11. Another common method for obtaining tickets is from the general public. This is
17 done when a street level ticket scalper arrives a few hours prior to the start of a game and stands on a
18 busy street corner holding up a cardboard sign that reads, "I Need Tickets." This practice alerts season
19 ticket holders or individuals with extra tickets that the ticket scalper is willing to buy tickets. I have
20 spoken with some of these ticket scalpers who have informed me that they rarely buy the tickets for face
21 value. Most of the time they pay below the face value of the ticket in order to make a profit. In rare
22 instances, where there is a high demand for the tickets, scalpers may pay more than the face value of the
23 tickets because they can sell the tickets at an even higher price. Once the scalpers obtain the tickets,
24 they will fold over their cardboard sign which then reads, "Tickets." They are then advertising that they
25 now have tickets for sale.

26 12. Some tickets are obtained by suspicious means. I have seen tickets offered for
27 sale by scalpers that do not have a price on them. These kinds of tickets are specifically marked to be
28 given to a particular entity, such as a school or charity. The Dodger organization often gives away

1 tickets to schools or other charities. Most of these tickets will not have a price attached to them. I have
2 been told that these tickets are often obtained through personal contacts with people who work for the
3 school or charity. The individuals who receive the tickets at the school site or charity may keep some of
4 the tickets and fail to disclose all of them to their superior. The school or charity employee will then
5 contact a known ticket scalper to arrange for the sale of the tickets. We have received one anonymous
6 complaint regarding this type of activity. Unfortunately, the anonymous individual did not give any
7 specific information regarding suspects or schools involved. I have not heard of any individual getting
8 caught or arrested for this type of fraud. From my own experience, as a former teacher and teacher's
9 assistant, I am aware that it would be very easy for a school employee to hide and keep baseball tickets
10 given to them from an organization such as the Dodgers. It is very common for teachers or other school
11 personnel to personally contact an organization, such as the Dodgers, and make ticket requests for their
12 students. The details of the requests and number of tickets received are often unreported to their
13 immediate supervisors. Many times tickets are obtained informally and are not tracked by a supervisor.
14 This type of misuse hurts the school and charities because it deprives the rightful recipients of the tickets
15 from going to the game. After obtaining the free tickets, the scalpers will then sell the tickets to the
16 general public for a profit.

17 III. OPERATING METHODS

18 13. Illegal ticket scalpers operate in a multitude of ways. The least common method
19 of operating is the lone independent ticket scalper. There are a few individuals who have very little
20 contact with other scalpers. They often work alone because they are not liked by the other organized
21 scalpers or because they do not get along with them. These individuals will locate away from other
22 scalpers in areas that are less traveled. As a result, the lone scalper will usually not make much profit
23 because they do not have access to large crowds full of potential customers. However, by working
24 alone, these individuals are able to keep all the profits for themselves.

25 14. The most common method of operation is in a well-organized group. These
26 groups usually range in size from two to six individuals. Each group positions itself along main
27 thoroughfares that lead into Dodger Stadium. There is a common profile for these individuals. Many
28 have extensive criminal histories for various crimes. It is common to see ticket scalpers with criminal

1 histories including arrests for assault, battery, weapons violations, robbery, burglary, narcotics
2 violations, and even murder (as is the case with defendants Lee Browder, Marvin Browder, Xavier
3 Cowley, Keith Daniels, Bland Dortch, George Doss, Cecil Hill, Lydell Jackson, Eddie Johnson, Freddie
4 King, Joseph Nelson, William Offray, Mark Robinson, Melton Strauss, and Joseph Edward Nelson).
5 Even two-strike felons will engage in ticket scalping because they know if they are caught, the penalty
6 will not result in a third strike. These types of scalpers use the same tactics that they have learned from
7 their previous criminal enterprises. For example, they operate much like organized narcotics dealers.
8 They appear clandestine, have a look-out, are very savvy, and work in a group. The scalpers will often
9 have only a few tickets on them, just as a narcotics dealer may only carry a minimal amount of
10 narcotics. The reason for this is to minimize punishment or penalty if caught. Scalpers often argue that
11 they are in possession of the tickets for personal use, which carries no penalty. This is similar to how
12 narcotics dealers would argue that the small amount of drugs they possess is for personal use.
13 Minimizing the number of tickets in their possession is a common method to avoid arrest if they are
14 stopped by police. Scalpers will often tell police they have a few tickets on them because they plan on
15 entering the stadium to watch the game. If scalpers need additional tickets to sell, they usually have
16 another scalper nearby to either give them additional tickets or they may run and obtain tickets from a
17 nearby hidden location.

18 15. I am familiar with all the named defendants in this lawsuit in a variety of different
19 ways. I have worked Northeast Vice for almost five years. During this time, I have personally arrested
20 many of them. I became familiar with the older ticket scalpers and learned that they rarely operate
21 independently. The longer I have been in the Vice Unit, the more familiar I have become with these
22 defendants. As a result, I have been unable to personally make arrests because it is impossible to have
23 one-on-one transactions with them without being recognized. However, I am still able to maintain
24 personal contact with these defendants. This is possible because I have taken on a larger support role
25 within the Vice Unit. Acting as support, I conduct more surveillance in order to understand how
26 scalpers operate and function. As support, I also help interview, prepare for booking, and physically
27 book scalpers within our jail system. It is during these interactions that I am able to speak with them
28 and gain a better understanding of how they conduct their business. I am also designated as a contact

1 officer in order to protect the identity of newer vice officers. During major operations, when we invite
2 outside resources to assist us, I act as a liaison officer and assist with arrests. I am comfortable enough
3 within my new role that I often make contact with these defendants to talk to them regarding their
4 business. I have found many of them to be very talkative and informative in the hopes that I will give
5 them special treatment.

6 16. Although most of these defendants operate within a larger group, we have rarely
7 arrested more than one or two at a time. In accordance with filing guidelines, we only arrest the ticket
8 scalpers who are specifically involved with the one-on-one selling of the tickets at the time of the buy.
9 Instances when we have made arrests for two scalpers at the same time are usually because the scalpers
10 became careless and communicated and exchanged tickets directly in front of the undercover officers as
11 they made a sale to them. In most cases, while we may observe other known scalpers in the area, we can
12 only arrest the individual who is engaged in the illegal scalping.

13 IV. HIERARCHY

14 17. There is a hierarchy amongst the illegal ticket scalpers. In this hierarchy, there
15 are various roles played by each individual. I have observed essentially five main levels or job
16 functions.

17 A. Ticket Broker or Supervisor

18 18. First, there is the ticket broker or supervisor. The main individuals at the top of
19 the ticket scalping hierarchy are the ticket brokers. The ticket brokers obtain the bulk of the tickets that
20 will be offered to potential customers. These ticket brokers often have internet sites or storefronts where
21 they may legitimately offer tickets for sale and legitimately purchase them from the Dodger
22 organization. They can do this and make a profit because they can purchase in bulk.

23 19. Usually, ticket brokers will position themselves outside the venue (such as the
24 small area in front of 1300 Academy Road, outside Dodger Stadium) and distribute tickets to the street
25 level scalpers. The brokers can get paid in two possible ways. If they do not trust the individuals they
26 are working with or need money quickly, they will collect the money up-front. If they are working with
27 a group they trust, the brokers will distribute the tickets and collect the money only after the tickets have
28 been sold. The broker will also collect the leftover tickets in order to ensure that the street level scalpers

1 do not keep any of the profits. I have seen ticket scalpers who after arrest, request a property receipt for
2 the items which we have seized. The scalpers have admitted to my colleagues and me that they need the
3 property receipt as proof to show the broker that the police confiscated the tickets for evidence. By
4 showing proof, they are not required to pay for the tickets. The ticket broker will absorb the loss of the
5 tickets as an expected cost of doing business.

6 20. The ticket brokers also act as supervisors out in the field. After distributing the
7 tickets, they circulate around the stadium ensuring that everything is running smoothly. The brokers are
8 in constant communication with the street level ticket scalpers via their cell phones. They observe the
9 perimeters and alert the street level scalpers about the presence of law enforcement. They work so well
10 as a team that as soon as an undercover officer or team makes a scalping arrest, our undercover status is
11 compromised.

12 21. Modern technology is also utilized in their operation. Scalpers or ticket brokers
13 circulating around the stadium will photograph the undercover officers with their camera phones and
14 text our images to all the other scalpers around Dodger Stadium. They will even include our vehicle
15 information so that other scalpers are able to avoid detection and arrest.

16 22. The ticket brokers will also post bail for ticket scalpers who have been arrested. I
17 have heard phone conversations and have had scalpers tell me which ticket broker will bail them out of
18 jail. Since the ticket brokers bail them out, the street level ticket scalpers are willing to take more of the
19 risks of being arrested because they are confident they will not be sitting in jail for very long. However,
20 the ticket brokers offer this type of support because they need individuals willing to take the risk of
21 being arrested, while they take a less risky role and make money.

22 23. The ticket brokers rarely do the actual hand-to-hand transaction. The ticket
23 brokers will engage in ticket sales when there is an opportunity to make a large amount of money. For
24 example, when there is a playoff or championship game, the ticket broker is more likely to actually
25 engage in direct ticket sales. This shows the greed of the ticket broker. Since they have access to the
26 best seats for popular games, they are willing to take the risk of being arrested because they can make
27 hundreds, if not thousands, of dollars without having to share the profits.

28 B. "Money Holder"

1 24. Second, there is the "money holder." This is another key player in the ticket
2 scalping hierarchy. The money holder's job has evolved out of necessity for the organized ticket
3 scalpers. Years ago, it was not common law enforcement practice to book the ticket scalper's money
4 into evidence upon arrest. Now, it is routine for law enforcement to book the tickets, money, cell
5 phones, and any other item or property that is believed to be the fruit of the crime. These items are held
6 until the criminal case is concluded. In previous years, each ticket scalper handled his own money,
7 which could range from hundreds to thousands of dollars. As law enforcement began to confiscate the
8 money, the ticket scalpers began to assign someone they trusted as the money holder. In an effort to
9 minimize the risk of being arrested and losing all the money earned in the operation, the money holder's
10 role emerged. Once a street level scalper makes a few sales, he will hand his money to the money
11 holder for safe keeping. That way, if the ticket scalper gets arrested, officers are only able to confiscate
12 what the seller has in his possession, and the rest of the profit remains safe. The money holder is usually
13 a more experienced ticket scalper and is trusted by all, particularly the ticket broker.

14 C. **"Ticket Holder"**

15 25. Third, there is the "ticket holder." The role of the ticket holder was created for
16 similar reasons as the money holder. The ticket holder holds on to the majority of the tickets within a
17 group and stands nearby as the group operates. By having a person designated as the primary ticket
18 holder, ticket scalpers prevent the confiscation of large quantities of tickets as police evidence. If a
19 street level scalper gets arrested, he is only holding a small number of tickets, so the loss is minimized.
20 It is often difficult for undercover officers to see all the ticket scalpers working together as a whole.
21 Most of the arrests only involve the ticket scalper, from whom an undercover officer is able to make a
22 purchase. A street level ticket scalper will hold a few tickets and negotiate a price with a potential
23 customer. If that customer wants tickets in a different area or at a different price level, the scalper will
24 send a "runner" (person designated to run and get tickets) or will himself go to the ticket holder to obtain
25 additional tickets. The ticket holder will hide the tickets the best he can in order to avoid having the
26 evidence confiscated. Many of the ticket holders treat the tickets as if they were narcotics. I have
27 observed ticket holders hide tickets in bushes or other in nearby objects. In addition, a common tactic is
28 to hide the tickets on their person, such as in their underwear. They do this with confidence because

1 they know that selling illegal tickets is a misdemeanor offense and that officers generally do not strip
2 search arrestees for such a violation. I have seen several arrestees try to get rid of the tickets they were
3 holding after they were arrested. I have seen tickets fall out of the bottom of an arrestee's pant leg as the
4 individual is walking in handcuffs. I have also observed tickets hidden in detention tanks after an
5 arrestee has been placed there.

6 **D. "Lookouts" or Communications Persons**

7 26. Fourth, there are the "lookouts," or communications persons. The job of a
8 lookout or the communications person is interchangeable and very fluid. In large groups, the lookout
9 will often be given specific assignments and work in pairs or groups. For example, I have seen ticket
10 scalpers hanging around with their children in an effort to appear uninvolved with the ticket scalping
11 activity. After a period of observation, it is apparent that they are part of a ruse and acting as lookouts. I
12 have seen them stay in an area for long periods of time and then quickly get on a cell phone whenever
13 they observe the police drive by. These individuals are noticeable because they linger around until the
14 game has started and do not go into the stadium.

15 27. The role of a lookout varies depending on the situation. If one ticket scalper is
16 busy trying to make a deal with a potential customer, the ticket scalpers that are available may become
17 the lookouts and communicate any potential problems to the rest of the group. On a busy day, these
18 roles will fluidly interchange depending on the need. Part of the job of the lookouts is to warn the
19 "contact" ticket scalpers of possible problems or police activity. As was discussed earlier, these are the
20 individuals who help identify undercover police officers and alert the other ticket scalpers about police
21 presence. They are also the ones that will try and take pictures of the undercover police officers with
22 their camera phones and then communicate this information via their cell phones to the other ticket
23 scalpers.

24 **E. "Contact" or "Runner"**

25 28. Fifth, there is the "contact" or "runner." A group of ticket scalpers will
26 congregate together and several of the lower level ticket scalpers are designated as the "contact" with
27 passing motorists or walking pedestrians. The ticket scalpers designated as the "contact" are often new
28 to the game and have to prove themselves by taking the most risks. They are the ones that are usually

1 identified by the police and arrested. This group of ticket scalpers often appear intimidating to passing
2 citizens. The "contact" ticket scalpers are often very aggressive and will walk into street traffic and
3 approach passing motorists and pedestrians to solicit them. They often walk recklessly into traffic and
4 delay and obstruct traffic. Interested potential ticket purchasers will often stop abruptly and attempt to
5 pull over to the curb in order to try and make a deal with the ticket scalpers. This often delays traffic
6 and increases the chances of traffic accidents. The "contacts" are very aggressive because they get
7 pressure from the other ticket scalpers to make sales in order to increase their profits. In addition, they
8 have to prove themselves in order to move up in the hierarchy.

9 V. PROFITS

10 29. Throughout my four years of experience working Northeast Vice, I have had
11 conversations with many illegal ticket scalpers. Most are very candid about their occupation. They are
12 candid because they do not believe what they are doing is wrong. Many of the illegal ticket scalpers like
13 to talk about how profitable ticket scalping is in comparison to the limited amount of time they put into
14 it. Most ticket scalpers that I have talked to do not have other jobs or occupations. Many of them have
15 extensive arrest records that make it difficult for them to obtain a job. In addition, many of these
16 individuals do not like the rigid structure that a mainstream job requires. They prefer a job where they
17 have a lot of freedom to do as they please.

18 30. I have heard many illegal ticket scalpers brag about how much money can be
19 generated through illegal ticket sales. The profits made from selling tickets illegally can vary greatly,
20 depending on the venue. I've heard estimates from a few hundred dollars a day to several thousand
21 dollars in a single night. Many of these scalpers will even travel to other states, if they believe they can
22 make a lot of money from scalping at major prize fights or sporting events.

23 31. All the money that is generated is earned "under the table." This means that it is
24 not reported to the state or federal government as income. As a result, these individuals make their
25 money free and clear without paying any taxes. I've been told by a few individuals that the money they
26 make selling tickets illegally has allowed them to support a family, purchase vehicles, purchase homes
27 and rental properties, and even put children through college. There are rare instances when an
28

1 individual is actually a ticket broker with a valid license in another city. Even these individuals rarely
2 report all their profits because they do not generate receipts or evidence of their earnings.

3 **VI. STAY AWAY ORDER SOUGHT**

4 32. From my observations and experiences, the individuals that are the subject of this
5 complaint are selling not only at Dodger Stadium but also at Staples Center, the Coliseum, the Galen
6 Center. If they are ordered to stay away from only one venue, they will frequent the other venues and
7 continue to be a problem at those locations. Therefore, it is necessary for the Court to order them to stay
8 away from all three locations.

9
10 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
11 correct. As to those matters related on information and belief, I believe them to be true and correct.

12 Executed in the County of Los Angeles, State of California on 7/27/2012
(date)

13
14
15 Jesus Aispuro
16 Officer Jesus Aispuro
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AUG 06 2012

John A. Clarke, Executive Officer/Clerk
BY Iskaylia Chambers Deputy

CARMEN A. TRUTANICH, LOS ANGELES CITY ATTORNEY
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Attorneys for Plaintiff, The People of the State of California NO FEE – GOV'T CODE §6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,
Ex rel. Carmen A. Trutanich, as the City Attorney for
the City of Los Angeles,

Plaintiff,

vs.

ANTHONY AKMAL AKA ANTHONY BELL; LEE
BROWDER; MARVIN BROWDER; JASON
COOPER; XAVIER COWLEY; KEITH DANIELS;
BLAND DORTCH; GEORGE DOSS; CECIL HILL
AKA MIKE JOHNSON; LYDELL JACKSON; EDDIE
JOHNSON; FREDDIE KING; JOSEPH E. NELSON III
AKA JOSEPH NELSON; JOSEPH EDWARD
NELSON; WILLIAM OFFRAY; MARK ROBINSON;
MELTON STRAUSS; as Individual Defendants and
DOES 1 through 100.

Defendants.

Case No.: BC489503

EXPERT DECLARATION OF
OFFICER LEROI O'BRIEN
IN SUPPORT OF PLAINTIFF'S
COMPLAINT SEEKING TO ENJOIN,
ABATE, AND PREVENT NUISANCE
ACTIVITY AND TO ENJOIN
UNLAWFUL BUSINESS PRACTICES
[CIV. CODE §§ 3479, 3480, AND 3491;
CODE OF CIV. PROC. § 731; BUS. &
PROF. § 17200, 17203, 17204.]

(Unlimited civil case)

EXPERT DECLARATION OF OFFICER LEROI O'BRIEN

Plaintiff, People of the State of California, respectfully submits the attached Declaration of
Officer Leroi O'Brien in support of the Complaint Seeking to Enjoin, Abate and Prevent Nuisance

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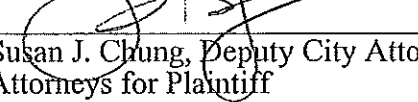
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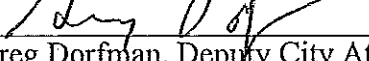
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1 Activity and to Enjoin Unlawful Business Practices.

2 DATED: August 6, 2012

3 THE PEOPLE OF THE STATE OF CALIFORNIA
4 CARMEN A. TRUTANICH, CITY ATTORNEY
5 Mary Clare Molitor, Deputy Chief,
6 Criminal and Special Litigation Branch
7 Anne Tremblay, Supervisor, Assistant City Attorney,
8 Anti-Gang Section

9
10 By: 
11 Susan J. Chung, Deputy City Attorney
12 Attorneys for Plaintiff

13
14 By: 
15 Greg Dorfman, Deputy City Attorney
16 Attorneys for Plaintiff
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DECLARATION OF OFFICER LEROI O'BRIEN

I, Leroi O'Brien, declare as follows:

1. I have been an officer with the Los Angeles Police Department for 13 years. I started my career in law enforcement by attending the Los Angeles Police Academy for 18 months and then I served as a probationary officer for six months. For most of my career, I have been assigned to patrol or gang units. In particular, I have worked various assignments related to Staples Center and LA Live since Staples Center opened in 2000.

2. Between 2009 and early 2011, I was assigned to the vice unit in the Central Division, which services the communities that make up downtown Los Angeles. In preparation for that assignment, I attended a 40 hour "vice school" training course that covered many of the types of crimes targeted by the vice unit, such as prostitution, alcohol beverage control violations, and illegal ticket sales.

3. The training I attended addressed the intricacies of the various statutes and ordinances that prohibit ticket selling and scalping. In the two years that I worked in the vice unit, I was involved in the arrest of approximately 200 suspects for scalping or illegal ticket sales. In scalping operations, there are officers who observe (either on-site or via closed-circuit television nearby), chase unit officers, who are directed to the location after the violation and arrest the suspect, and booking officers, who are directed to recover money from the suspect and to handle the paperwork required to process the arrest.

4. In the two years that I worked in the vice unit, our unit participated in four to five scalping task forces per month, depending on the schedule of events at Staples Center and LA Live. In all, there were between 100 and 150 such task forces during my time in the vice unit. As many as 20 officers and six supervisors were involved in each task force, which lasted up to nine hours. Ninety percent of the task forces have been for games or concerts at Staples Center, with the remainder at LA Live, primarily at the Nokia Theater or Club Nokia.

5. We do not arrest people for illegal ticket selling without ensuring that a suspect is selling as a business. Prior to making an arrest, we look for several indications. First, we focus our

1 attention on the people we recognize -- the individuals who regularly loiter in front of Staples Center.
2 We watch to see if they are engaging the patrons as they walk through. We listen to see if they are
3 saying words to the effect of, "need tickets, need tickets, need tickets," and if they will approach and say
4 that to anyone who walks by. If there is a group of 50 or 75 people who walk by, they will say that to
5 each of them. They will stand in the same location, either at the northwest corner of Chick Hearn and
6 Figueroa, which is directly in front of ESPN Zone on LA Live property, or they will stand across the
7 street at the northeast corner of Chick Hearn and Figueroa. They will stand there for hours -- if an event
8 starts at 7:00 p.m., we will see them there at 5:00 p.m. Sooner or later, a person will engage them in a
9 conversation and at that point, we will see them produce a ticket, either a card stock ticket, or a paper
10 ticket. They will show them the ticket and engage in a short conversation. At that point, we will see the
11 patron pull out cash and hand it to the scalper. The scalper will hand the ticket to the person, who will
12 then walk into the building.

13 6. In my experience, there are approximately 20 individuals who illegally sell tickets
14 at these venues on a regular basis. The individuals included in the Complaint of the People of the State
15 of California are all individuals that I have seen illegally selling tickets at Staples Center and LA Live on
16 a regular basis.

17 7. I also have worked several task forces at Dodger Stadium. When I have worked
18 there, I have seen 90% to 95% of the same individuals who I see illegally selling tickets at Staples
19 Center. When I have observed these individuals, they were always engaged in the same conduct at
20 Dodger Stadium -- trying to sell tickets to customers outside the venue's entry gate.

21 8. On a good night, someone experienced at illegally selling tickets can make up to
22 \$1,500 in tax-free profit. If they are at Staples Center or at the Coliseum, this is basically a seven-day-a-
23 week job, because there is almost always something going on in Los Angeles. Some of these scalpers
24 say that they are on social security, or disability, but we see them getting picked up in expensive cars
25 like, Cadillacs and BMWs. They are making a "killing" and at the same time taking money away from
26 legitimate businesses in the area -- including the multiple legal ticket broker businesses within a few
27 blocks of where the illegal tickets sellers do their work.

28 9. There are several negative effects of illegal ticket sales. The biggest negative

1 effect is on the patrons who pay as much as \$1,000 per ticket only to find out later that the tickets are
2 counterfeit. This happens every night.

3 10. The ticket sellers also constitute a major nuisance. We frequently receive
4 complaints from citizens complaining about aggressive ticket sellers. Now that we have made a lot of
5 arrests, illegal sellers of tickets are even more hostile towards everyone because they are constantly
6 sizing people up to determine if they are undercover police officers. I have seen them act like this even
7 when they engage with somebody that is trying to purchase a ticket. They will have the person lift up
8 his or her shirt, or pull out his or her wallet, or on several occasions, I have seen them actually pat a
9 potential customer down to see if he or she is wearing a wire.

10 11. Patrons feel less safe, and often are less safe as a result of the ticket sellers. They
11 get so focused on competing with each other and making a sale that they frequently push other people
12 aside to get to a potential customer. They also occasionally follow potential customers to ATM
13 machines, which creates apprehension among those customers.

14 12. Defendants personally act as magnets for theft, robbery, and crimes of violence at
15 the LA Sports/Entertainment Venues. Areas with high levels of illegal ticket sales create
16 disproportionately high levels of theft, robbery, crimes of violence, and narcotics sales and use. Areas
17 with high levels of illegal ticket sales thus drain additional law enforcement resources that otherwise
18 could respond as needed elsewhere or could be used proactively to reduce crime throughout the City of
19 Los Angeles.

20 13. The ticket sellers create a hazard for motorists driving on the neighboring streets.
21 They routinely dart into streets to reach potential customers on the other side of the street or to evade
22 arrest, causing congestion and causing a major safety hazard.

23 14. We also have had many complaints about scalping activity from local business
24 owners. At the ESPN Zone and at a small restaurant that is located next door to LA Live, the ticket
25 sellers monopolize the outdoor seating without buying any food. The illegal tickets sellers have regular
26 spots at these venues where they will congregate and sell. The manager at the nearby Figueroa Hotel
27 has complained that the illegal ticket sellers block the lobby with their transactions, keeping potential
28 hotel guests from walking inside. We also have received complaints from VIP tickets, which is located

1 at the northwest corner of Olympic and Figueroa. The illegal ticket scalpers basically hang outside and
2 take business away from them. They will block patrons from going inside the location. Potential
3 patrons do not want to go inside the location because they get hassled so much outside.


4 15. Traditional law enforcement methods have not deterred this activity. Presently,
5 we book suspects and take them through the entire legal process with the goal of getting stay away
6 orders. They drag out the legal process as long as they can knowing that they can refuse to take a stay
7 away order and the worse thing that can happen to them is a 180- day jail sentence, for which they will
8 only serve 10 percent of the time. This process is a waste of city resources and a waste of police
9 resources.

10 16. Some of the regular illegal ticket sellers have prior arrests for gang activity. I
11 think they see it as an easier way to make money than selling illegal drugs. If they are arrested for
12 illegal scalping, you can be arrested eight, nine or ten times without much consequence. However, by
13 the third time you get arrested for selling illegal drugs, you are going to jail and by the fourth time, you
14 are going to prison. You can make more money selling illegal tickets than selling illegal drugs with no
15 jail time and no risk of being shot by the competition.

16 17. Illegal ticket sellers will have as much as \$6,000 in cash on them at the time of
17 arrest. To protect their ill-gotten gains, some of the sellers now will go to their cars in between sales to
18 leave their money in their cars so they will not lose a lot of money if they get arrested.

19
20 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
21 correct. As to those matters related on information and belief, I believe them to be true and correct.

22 Executed in the County of Los Angeles, State of California on JULY 23, 2012
23 (date)

24 
25 Officer Leroi O'Brien